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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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LAWRENCE I. FRIEDMANN,

4

Plaintiff,

5

-against-

6

RAYMOUR FURNITURE CO., INC., and  
LUCY GOLDSTEIN, individually,

7

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Defendants.

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50 Jericho Quadrangle  
Jericho, New York

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January 4, 2013  
9:52 A.M.

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EXAMINATION BEFORE TRIAL OF LAWRENCE I.  
FRIEDMANN, the Plaintiff herein, taken pursuant to  
Order, and held at the above time and place before  
Terri Fudens, a Stenotype Reporter and Notary  
Public of the State of New York.

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2 A P P E A R A N C E S :

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THE HARMAN FIRM

Attorneys for Plaintiff

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200 West 57th Street

Suite 900

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New York, New York 10019

212.425.2600

6

BY: PETER ANDREWS, ESQ.

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NIXON PEABODY, LLP

9

Attorneys for Defendants

50 Jericho Quadrangle

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BY: JESSICA CHICLACOS, ESQ.

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13

-and-

14

TARA EYER DAUB, ESQ.

15

tdaub@nixonpeabody.com

16

17 ALSO PRESENT:

18

Edward T. Groh, ESQ.

Senior Counsel

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Raymour & Flanigan

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\* \* \* \*

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FEDERAL STIPULATIONS

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IT IS HEREBY STIPULATED AND AGREED by and between the attorneys for the respective parties hereto, that filing, sealing, and certifications are hereby waived;

IT IS FURTHER STIPULATED AND AGREED that all objections, except as to the form of the question, shall be reserved to the time of the trial;

IT IS FURTHER STIPULATED AND AGREED that the within Deposition may be signed before any Notary Public with the same force and effect as though subscribed and sworn to before this Court.

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2       L A W R E N C E       I.       F R I E D M A N N, the  
3                               Plaintiff herein, having been first  
4                               duly sworn by Terri Fudens, a Notary  
5                               Public of the State of New York, was  
6                               examined and testified as follows:

7       EXAMINATION BY

8       MS. CHICLACOS:

9               Q       Please state your name for the  
10       record.

11              A       Lawrence I. Friedmann.

12              Q       Where do you presently reside?

13              A       245-30 Grand Central Parkway,  
14       Apartment 2F, Bellerose, New York, 11426.

15              Q       Good morning. My name is Jessica  
16       Chiclacos. I'm an attorney with the law firm of  
17       Nixon Peabody.

18              A       Okay.

19              Q       We represent Raymour & Flanigan in  
20       connection with the lawsuit that you brought.

21              A       Mm-hmm.

22              Q       We're here today for your  
23       deposition --

24              A       Mm-hmm.

25              Q       -- where I'm going to ask you a

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1 LAWRENCE I. FRIEDMANN

2 series of questions.

3 A Mm-hmm.

4 Q Before we get started, I would like  
5 to go through some instructions for the day.

6 A Okay.

7 Q As you see, we have a court reporter  
8 here taking down everything that's being said.

9 A Mm-hmm.

10 Q Because of that, all of your  
11 responses to my questions need to be verbal. She  
12 can't take down a nod of the head or any  
13 non-verbal gesture.

14 A Mm-hmm.

15 Q In addition, please let me finish my  
16 question before answering, and I will do the same  
17 for you --

18 A Okay.

19 Q -- because it is difficult for her to  
20 take down what is being said if both of us are  
21 talking at the same time.

22 A Right.

23 Q If you don't understand any of my  
24 questions, please let me know, and I will repeat  
25 them.

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1 LAWRENCE I. FRIEDMANN

2 A Okay.

3 Q If at any point during the day you  
4 need a break, please let me know, and we will take  
5 one.

6 A Okay.

7 Q If there is a question pending,  
8 you'll need to answer the question --

9 A Mm-hmm.

10 Q -- and then we will take a break. Do  
11 you understand these instructions?

12 A Yes.

13 Q Do you understand you've taken an  
14 oath to tell the truth today?

15 A Yes.

16 Q Have you taken any medication in the  
17 last 24 hours that would affect your ability to  
18 recall events?

19 A Some cold medicine. 'Tis the season.

20 Q Did you meet with your attorney to  
21 prepare for today's deposition?

22 A Yes.

23 Q When did you meet with your attorney?

24 A This morning, and we had conversation  
25 over the phone as well.

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1 LAWRENCE I. FRIEDMANN

2 Q Did you review any documents to  
3 prepare for today's deposition?

4 A I just briefly read over the initial  
5 filings.

6 Q By filings, what do you mean by that?

7 A The EEOC filing and then the  
8 attorney's Complaint.

9 MR. ANDREWS: Jessica, I think  
10 he understands the question to mean  
11 just within the past 24 hours.

12 THE WITNESS: Right.

13 MR. ANDREWS: He's seen  
14 documents previously. I'm not sure  
15 of your question.

16 Q To prepare for today's deposition.

17 A Right.

18 MS. CHICLACOS: Can we have this  
19 marked, please.

20 (Defendant's Exhibit 1,  
21 Complaint marked for Identification  
22 as of this date.)

23 Q Mr. Friedmann, I'm going to show you  
24 a document that's been marked as Defendant's  
25 Exhibit 1. Please take a moment to review the

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1 LAWRENCE I. FRIEDMANN

2 document.

3 MR. ANDREWS: You can take as  
4 much time, but I'm sure Jessica will  
5 have specific questions for you.

6 A I'm good.

7 Q Do you recognize this document?

8 A I do.

9 Q What is it?

10 A This is the document that my attorney  
11 filed.

12 Q Was this one of the documents you  
13 reviewed in preparation for today?

14 A I just looked at it briefly. I just  
15 hadn't looked in quite a while.

16 Q Did you review this document before  
17 your attorney had signed it?

18 A Yes.

19 Q So this document accurately and  
20 truthfully contains your claims in this matter?

21 MR. ANDREWS: Objection.

22 A Mm-hmm. Yes.

23 Q Did you review any other documents in  
24 preparation for today's deposition?

25 A No.



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1 LAWRENCE I. FRIEDMANN

2 Q Aside from your attorney, did you  
3 speak to anyone else in preparation --

4 A No.

5 Q -- for today's deposition?

6 Just try and let me finish my  
7 question. I know it's human nature to answer.

8 A Okay.

9 Q Do you have any audio or video  
10 recordings relating to your claims in this action?

11 A No.

12 Q Have you ever been a party to a  
13 lawsuit before?

14 A No.

15 Q Have you ever been deposed before?

16 A No.

17 Q Have you ever filed for bankruptcy?

18 A Maybe 20 years ago.

19 Q Do you have any judgments against  
20 you?

21 A Nope. No.

22 Q Mr. Friedmann, what is your date of  
23 birth?

24 A 6/17/41.

25 Q What is your marital status?

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1		LAWRENCE I. FRIEDMANN
2	A	Divorced, single.
3	Q	When were you divorced?
4	A	In the '70s.
5	Q	How long had you been married for?
6	A	11 years.
7	Q	Were you married any other times?
8	A	No.
9	Q	Do you have any children?
10	A	Two.
11	Q	What are their ages?
12	A	41 and 45.
13	Q	Do you own or rent the address in
14		Bellerose, New York?
15	A	Rent.
16	Q	How long have you lived there?
17	A	12 years.
18	Q	Do you live by yourself?
19	A	Yes.
20	Q	Are you financially responsible for
21		anyone?
22	A	No.
23	Q	Have you ever gone by any other name?
24	A	Larry.
25	Q	The same last name?

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1 LAWRENCE I. FRIEDMANN

2 A Right.

3 Q If you could please describe for me  
4 your educational background starting with high  
5 school.

6 A Academic diploma and then New York  
7 City Community College, two year degree.

8 Q Was that degree in any specific area?

9 A It was marketing. Retail  
10 merchandising, actually.

11 Q When did you receive that degree?

12 A '62, '63. I'm not sure.

13 Q Have you received any other degrees?

14 A No.

15 Q Any other educational certifications?

16 A No.

17 Q Any other educational training?

18 A No.

19 Q Are you a member of any professional  
20 organization?

21 A No.

22 Q Following your degree in '62, '63,  
23 you began working?

24 A Yes.

25 Q If you could please describe for me

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1 LAWRENCE I. FRIEDMANN

2 your work history.

3 A I was on a work study program with  
4 Martin's Department Store. Then I was retained to  
5 work in the merchandise manager's office as part  
6 of the training. Then I became an assistant  
7 buyer. Then after that, I became assistant buyer  
8 in the handbag department.

9 Then I left the -- left Martin's to  
10 go on to others. I was hired by a company called  
11 SORCO, Syracuse Ornamental Company, as a sales rep  
12 for the New York -- New York/Connecticut  
13 territory. It was a training territory. Then I  
14 became the department store rep for New York, New  
15 Jersey, Pennsylvania, and I was with that company  
16 for also 11 years.

17 Q Your first employment with Martin's  
18 Department Store, how long was that employment  
19 for?

20 A Probably two years.

21 Q Then after that was Syracuse  
22 Ornamental Company?

23 A Syracuse Ornamental Company for 11  
24 years.

25 Q What followed Syracuse Ornamental

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1 LAWRENCE I. FRIEDMANN

2 Company?

3 A After that I became an independent  
4 rep. I had various product lines. Still, you  
5 know, a regional rep, primarily in home  
6 furnishings. Not furniture, home furnishings.

7 Q How long did you do that for?

8 A Probably 10 years. Then it evolved.  
9 I became a department store rep again, a  
10 national -- we opened up a national repping agency  
11 catering to small department stores throughout the  
12 United States. Extensive traveling. Still in the  
13 same product category. We opened up a showroom.

14 Q When you say "we," who are you  
15 referring to?

16 A Well, I had a partner at the time,  
17 and then I bought him out and continued on my own.

18 Q The merchandise was home furnishings?

19 A Yeah. Lighting, lamp shades. Highly  
20 promotional merchandise.

21 Q You had that company for 10 years?

22 A Yeah. I mean I had purchased one of  
23 the factories that we represented, Suffolk Lamp  
24 Company, a manufacturing -- still, you know,  
25 selling to department stores. I had that company

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1 LAWRENCE I. FRIEDMANN

2 for six years, continuing the repping business  
3 also.

4 Q Do you still own that factory?

5 A No.

6 Q When did you sell that?

7 A That we filed for bankruptcy, and  
8 that's probably around 1980, '85. Maybe '84, '85.  
9 Then I became a rep again. I took on a product  
10 line for the whole northeast and mid-Atlantic  
11 states. Style Craft Lamps. After that, I really  
12 grew tired of, you know, the extensive travel, and  
13 I took a job with Seaman's Furniture.

14 Q When was that?

15 A '91. I was with them for 14 years.

16 Q What was your position?

17 A Sales associate.

18 Q Where did you work?

19 A Marine Park, their Brooklyn location.

20 Q You worked at that location for the  
21 entire length of your employment?

22 A Well, when I first joined, I was in  
23 the Elmhurst store for six months, and then I was  
24 transferred to the Marine Park store for the  
25 balance. I did not leave them. They were

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1 LAWRENCE I. FRIEDMANN

2 liquidated. They were -- the same ownership owned  
3 Levitz furniture and Seaman's. They liquidated  
4 Seaman's and reopened all the locations as Levitz  
5 stores. I went back to Levitz for about 90 days,  
6 and I could see that they were not going to  
7 succeed, so I interviewed with Raymour & Flanigan.

8 Q We'll get to that in a minute.

9 A Okay.

10 Q Do you have a resum@?

11 A Yes. Not with me.

12 MS. CHICLACOS: I will ask that  
13 the resum@ be produced.

14 MR. ANDREWS: Okay.

15 Q Besides this case, have you ever  
16 filed a complaint of discrimination against a  
17 previous employer?

18 A No.

19 Q Besides this case, have you ever made  
20 any complaints about discrimination or retaliation  
21 in connection with any of your prior employment?

22 A No.

23 Q Besides your employment with Raymour  
24 & Flanigan, were you ever disciplined at work?

25 MR. ANDREWS: Objection.

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1 LAWRENCE I. FRIEDMANN

2 A No.

3 Q Were you ever counseled at work?

4 MR. ANDREWS: Objection.

5 A At Raymour in the last eight weeks.

6 Q Besides Raymour & Flanigan.

7 A No.

8 Q Again, besides this case, have you  
9 ever been fired or terminated from a position?

10 MR. ANDREWS: Objection.

11 A No.

12 Q Have you ever been asked to resign  
13 from a position?

14 A No.

15 Q You're represented here by counsel  
16 today; correct?

17 A Yes, I am.

18 Q When did you first seek legal advice  
19 in connection with your employment at Raymour &  
20 Flanigan?

21 A After I was let go.

22 Q Do you recall how soon after you were  
23 let go?

24 A Probably 90 days or so.

25 Q Was Mr. Andrews the first attorney



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1 LAWRENCE I. FRIEDMANN

2 you contacted?

3 A The firm was, yes.

4 Q How did you find out about the Harman  
5 firm?

6 A From my son.

7 MR. ANDREWS: I caution you.  
8 You know about the attorney/client  
9 privilege?

10 THE WITNESS: Yes. Okay.

11 Q Your son was familiar with the Harman  
12 firm?

13 A I'm going to defer to his  
14 recommendation.

15 MR. ANDREWS: His son is also an  
16 attorney, for the record.

17 Q Did you contact any other lawyers in  
18 connection with your employment at Raymour &  
19 Flanigan?

20 A No.

21 Q Did you have a prior relationship  
22 with any of the attorneys at the Harman firm?

23 A No.

24 Q Have you contacted any current or  
25 former employees of Raymour & Flanigan since you

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1 LAWRENCE I. FRIEDMANN

2 left your employment?

3 A No.

4 Q Other than your attorneys, to whom  
5 have you spoken about your claims in this case?

6 A No one.

7 MS. CHICLACOS: Can I have this  
8 marked as 2, please.

9 (Defendant's Exhibit 2,  
10 Plaintiff's Response to Defendant's  
11 First Set of Interrogatories marked  
12 for Identification as of this date.)

13 Q Mr. Friedmann, I'm going to show you  
14 what's been marked as Defendant's Exhibit 2. Do  
15 you recognize this document?

16 A Yes.

17 Q What is it?

18 A Plaintiff's Response to Defendant's  
19 First Set of Interrogatories.

20 Q Do you understand that Raymour &  
21 Flanigan sent you, through your attorney, a series  
22 of questions for you to answer?

23 A Yes.

24 Q Did you provide the information for  
25 these answers?

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1 LAWRENCE I. FRIEDMANN

2 A Yes.

3 Q If you could just turn to the last  
4 page of the document, please. Is that your  
5 signature?

6 A Yes.

7 Q So the information contained in here  
8 is accurate and truthful?

9 A Mm-hmm. Yes.

10 MS. CHICLACOS: 3, please.

11 (Defendant's Exhibit 3,  
12 Plaintiff's First Supplemental  
13 Response to Defendant's First Set of  
14 Interrogatories marked for  
15 Identification as of this date.)

16 Q I would like to show you what's been  
17 marked as Defendant's Exhibit 3. Do you recognize  
18 this document?

19 A Yes.

20 Q What is this?

21 A Plaintiff's First Supplemental  
22 Response to Defendant's First Set of  
23 Interrogatories.

24 Q Did your attorneys ask you to  
25 supplement your responses to this series of

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1 LAWRENCE I. FRIEDMANN

2 questions Raymour & Flanigan had sent to you?

3 A Yes.

4 Q With Defendant's Exhibit 2, there was  
5 a page that you had signed verifying the accuracy  
6 of your answers?

7 A Right.

8 Q Did you sign a similar page for the  
9 supplemental responses?

10 A I'm not sure. Did I sign this? I'm  
11 not sure on this one.

12 MS. CHICLACOS: I'm going to ask  
13 if the verification page exists, that  
14 it be produced.

15 MR. ANDREWS: I'm not sure one  
16 exists, but we will look into it.

17 Q Did you see the answers to this  
18 before your attorney signed it?

19 A I am not sure on this one. It's  
20 starting to look familiar.

21 Q Based on your review, is the  
22 information contained in this document truthful  
23 and accurate?

24 A Yes.

25 Q If you look at page 3 of the

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1 LAWRENCE I. FRIEDMANN

2 document --

3 A Okay.

4 Q -- it says at the bottom some  
5 individuals that you've discussed your claims in  
6 this matter with.

7 A Yes.

8 Q Have you discussed your claims with  
9 your son Kevin?

10 A Not in detail, but I have discussed  
11 it with him.

12 Q What have you discussed with him?

13 A Just keeping him up to date on what's  
14 transpiring.

15 Q This is the son who is an attorney?

16 A Yes.

17 Q That knew the Harman firm?

18 A Yes.

19 Q It also says that you've discussed  
20 this matter with your other son Eric.

21 A Yes.

22 Q Have you discussed this matter with  
23 your son Eric?

24 A Not in great detail. Just going to a  
25 deposition. You know, very lightly. Nothing in

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1 LAWRENCE I. FRIEDMANN

2 real detail.

3 Q It also says you discussed it with  
4 your former girlfriend Katherine.

5 A She is former, yes.

6 Q What have you discussed with her  
7 about this case?

8 A Just surface. You know, nothing in  
9 detail. That I have a case that was filed, and  
10 nothing in real detail at all.

11 Q It also says that you've discussed  
12 the matter with Guy Vacaro, a former salesperson  
13 at your former work location.

14 A He is a personal friend. I just, you  
15 know, mentioned that we filed a lawsuit. That's  
16 really it. Nothing in any detail at all.

17 Q Mr. Vacaro works at Raymour &  
18 Flanigan?

19 A No. Actually, Mr. Vacaro was fired  
20 from Raymour & Flanigan, and he is currently with  
21 Macy's Furniture.

22 Q How did you meet Mr. Vacaro?

23 A At Raymour.

24 Q The Garden City showroom?

25 A Yes.

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1 LAWRENCE I. FRIEDMANN

2 Q Do you know when he was terminated?

3 A Probably maybe a year, a year and a  
4 half before I was. I wouldn't know exactly.

5 Q So you've spoken with him since he's  
6 left Raymour & Flanigan?

7 A He is a personal friend.

8 Q And what do you recall about your  
9 conversations with him about the lawsuit?

10 A Just that I have a lawsuit that was  
11 filed. Nothing -- no detail or anything like  
12 that.

13 Q Can you recall anyone else that  
14 you've spoken with about your claims in this  
15 action?

16 A I mean any close friends that I might  
17 have just mentioned that I have a lawsuit.

18 Q Anyone else from Raymour & Flanigan  
19 that you've discussed the case with?

20 A Another personal friend, Joseph  
21 Marscone. That's just, again, nothing in detail.

22 Q Is Mr. Marscone currently employed by  
23 Raymour & Flanigan?

24 A Yes.

25 Q Did you work with him at a particular

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1 LAWRENCE I. FRIEDMANN

2 location?

3 A Garden City.

4 Q To your knowledge, he's still

5 employed there?

6 A He's still employed there.

7 Q You've spoken with him since you left

8 Raymour & Flanigan?

9 A Yes. He also is a personal friend.

10 Q What have you told him about your

11 lawsuit?

12 A Just that there's a lawsuit filed.

13 Nothing in detail.

14 Q Has Mr. Marscone said anything to you

15 about your lawsuit?

16 A No.

17 Q I'm sorry. He's a sale associate?

18 A He is a sales associate, yes.

19 Q Do you recall the last time you spoke

20 with him?

21 A New Year's Eve when he was at my

22 house.

23 Q As you've testified, there came a

24 point in time when you became employed with

25 Raymour & Flanigan?



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1 LAWRENCE I. FRIEDMANN

2 A Correct.

3 Q When did you first apply for a job  
4 with Raymour & Flanigan?

5 A 2005. Towards the end of 2005.

6 Q What position were you applying for?

7 A Sales associate.

8 Q How did you learn about the opening?

9 A Some Seaman's -- former Seaman's  
10 employees had already joined Raymour and, you  
11 know, me being disenchanted with Levitz, I decided  
12 to pursue that.

13 Q Was there a particular location?

14 A I interviewed in Yonkers with Larry  
15 Gallagher, who was the regional manager at the  
16 time.

17 Q Okay.

18 A I mean the personnel person was  
19 Clayton -- I forgot his last name. I don't think  
20 he's with Raymour any longer. Clayton Marcus.  
21 No, it can't be Clayton Marcus. That's a  
22 furniture company.

23 Q You interviewed with Mr. Gallagher  
24 before you were offered the position?

25 A Yes, and then he hired me on the

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1 LAWRENCE I. FRIEDMANN

2 spot.

3 Q Where was your interview?

4 A In the Yonkers location.

5 Q What was discussed during this  
6 interview?

7 A My background and -- you know,  
8 basically my background and that I wanted to join  
9 their company. He hired me to start in the  
10 Yonkers location with the understanding that I  
11 lived in -- you know, on the Queens/Nassau border  
12 and wanted to eventually transfer to, you know, a  
13 Long Island location.

14 Q Did you complete an employment  
15 application when you applied for Raymour &  
16 Flanigan?

17 A I'm sure, yeah. Yes.

18 MS. CHICLACOS: Mark this as 4,  
19 please.

20 (Defendant's Exhibit 4,  
21 Application for Employment marked for  
22 Identification as of this date.)

23 Q I would like to show you what's been  
24 marked as Defendant's Exhibit 4. Do you recognize  
25 this document?

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1 LAWRENCE I. FRIEDMANN

2 A Yes.

3 Q What is it?

4 A It's an employment application from  
5 Raymour & Flanigan.

6 Q Is this the application that you  
7 filled out?

8 A Yes.

9 Q If you turn to the second page of the  
10 document, is that your signature at the bottom?

11 A Yes.

12 Q On the application, if you look on  
13 the first page, sort of towards the middle, it  
14 says names of friends or relatives employed in  
15 this location, and you said Stacey Ross, Bill  
16 Camaris. Who are those individuals?

17 A Stacey Ross is a sales associate in  
18 Garden City, and Bill Camaris is a sales associate  
19 in Farmingdale.

20 Q Those were friends of yours?

21 A Yes. I worked with Stacey and Bill  
22 at Seaman's furniture.

23 Q You testified that after you  
24 interviewed with Mr. Gallagher, he offered you a  
25 position?

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1 LAWRENCE I. FRIEDMANN

2 A Yes.

3 Q Do you recall when you started with  
4 Raymour & Flanigan?

5 A In October of 2005.

6 Q Was there an orientation process when  
7 you started with the company?

8 A There is a training program, yes. At  
9 the time there was a two-week training program.

10 Q What did that training consist of?

11 A Well, you went to a location in  
12 Jersey and you basically trained for a five-day  
13 period and then came back home for the weekend,  
14 and then trained for a second week again, and then  
15 went to the Yonkers store.

16 Q When you say trained, what do you  
17 mean by that?

18 A Well, their computer systems, their  
19 product philosophy, their product mix, went out on  
20 the sales floor. You know, just got a feel for  
21 the store.

22 Q Was there any training related to  
23 Human Resources policies and procedures?

24 A Yes.

25 Q What did that training consist of?

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1 LAWRENCE I. FRIEDMANN

2 A General Human Resource information of  
3 what to do, what not to do.

4 Q Do you recall receiving any handbooks  
5 or policies relating to Human Resources  
6 procedures?

7 A Yes.

8 Q What do you recall receiving?

9 A A handbook, which is no longer --  
10 everything is on their computer now.

11 Q Anything else?

12 A That's really it.

13 MS. CHICLACOS: Defendant's  
14 Exhibit 5, please.

15 (Defendant's Exhibit 5, Raymour  
16 & Flanigan New Hire Form marked for  
17 Identification as of this date.)

18 Q Mr. Friedmann, I would like to show  
19 you what's been marked as Defendant's Exhibit 5.

20 Do you recognize this document?

21 A Not really.

22 Q If you look towards the bottom of the  
23 document, is that your signature?

24 A Yes.

25 Q Does this refresh your recollection

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1 LAWRENCE I. FRIEDMANN

2 as to any other documents you might have received  
3 during this training process?

4 A No.

5 Q You testified you were hired as a  
6 sales associate?

7 A Correct.

8 Q When you were hired, did Raymour &  
9 Flanigan have any policy with respect to sales  
10 that needed to be generated by a sales associate  
11 at a particular showroom?

12 A Yes.

13 Q If you could please describe that  
14 policy to me.

15 A Minimum sales volume was \$750,000 per  
16 year.

17 Q Meaning that as a sales associate,  
18 you needed to have sales of a minimum --

19 A A minimum of --

20 Q -- of \$750,000 per year?

21 A Correct, yes.

22 Q Then how did your compensation work  
23 with respect to that?

24 A Commission against a draw.

25 Q What does delivered sales mean?

0031

1 LAWRENCE I. FRIEDMANN

2 A That's what you're paid on.

3 MR. ANDREWS: Objection.

4 A That's what you're paid on.

5 Q Meaning what?

6 A That's the merchandise that you have  
7 to deliver.

8 Q Delivered meaning has to be delivered  
9 to the customer?

10 A Correct.

11 Q Not just writing up an invoice for  
12 the merchandise?

13 A No. It has to be delivered.

14 Q So the \$750,000 was based on --

15 A Is delivered sales.

16 Q Let me finish my question -- is based  
17 on delivered sales?

18 A Correct.

19 Q When you started working in the  
20 Yonkers location, who did you report to?

21 A Richard Petransky was the showroom  
22 manager at the time. He since went on to become  
23 the regional manager of the -- you know, the  
24 Garden City, Long Island store, and to my  
25 knowledge after that became store manager at

0032

1 LAWRENCE I. FRIEDMANN

2 Farmingdale. I don't know if he's still with the  
3 firm.

4 Q During the time you were in the  
5 Yonkers location, did you report -- was he the  
6 showroom manager during the entire time you were  
7 there?

8 A The store manager, yes.

9 Q Anyone else that you reported to; an  
10 assistant store manager?

11 A No. He's deceased. He was a young  
12 guy. I forgot his name.

13 MR. ANDREWS: Is that someone  
14 you would have reported to?

15 A Well, he was assistant manager there,  
16 and he was also in Garden City. But he passed  
17 away while I was still with the company.

18 Q As a sales associate, what were your  
19 duties and responsibilities?

20 A To sell the customer, to maintain the  
21 store. Basically sales and, you know, follow up  
22 on paperwork and general sales responsibilities.

23 Q So you had interaction with the  
24 public?

25 A Yes.



0033

1 LAWRENCE I. FRIEDMANN

2 Q And you say maintain the store. What  
3 did you mean by that?

4 A Each morning you would go around and  
5 fix up the store before the store opening if you  
6 were on the morning shift, and -- you know, just  
7 for presentation purposes.

8 Q Did there come a point in time when  
9 you requested a transfer to a different location?

10 A Well, I did. I requested a transfer  
11 to the Carle Place location.

12 Q Why was that?

13 A Because I lived 10 minutes away from  
14 that store.

15 Q Do you recall when you requested that  
16 transfer?

17 A Well, from the beginning actually,  
18 because that was the underlying agreement, that I  
19 would eventually be transferred to Carle Place.

20 Eventually Mr. Petransky gave into my  
21 requests and I was transferred. I think if I  
22 joined in October, I was probably transferred to  
23 Carle Place either by April or May.

24 Q Of 2006?

25 A Correct.

0034

1 LAWRENCE I. FRIEDMANN

2 Q In connection with your request for a  
3 transfer, did you interview with anyone at the  
4 Carle Place showroom?

5 A Not really interview. I mean I was  
6 introduced to the store manager at the time.

7 Q Who was that?

8 A Lucy Goldstein.

9 Q Did you meet with her before your  
10 transfer?

11 A I would meet her -- actually, I met  
12 her once when I was still in training. There  
13 really was no formal interview with her to come to  
14 that location.

15 Q Do you know if Miss Goldstein had to  
16 approve your transfer request?

17 A I'm sure she did, but my performance  
18 was deserving.

19 Q You said you met her while you were  
20 in training?

21 A I met her briefly in the Fairfield  
22 store. She was probably out there for a meeting.

23 Q So before starting at the Carle Place  
24 showroom, did you have any other interaction with  
25 her besides meeting her during the training

0035

1 LAWRENCE I. FRIEDMANN

2 process?

3 A No. No.

4 Q At the Carle Place location, she was  
5 the store manager when you transferred there?

6 A Yes.

7 Q Did you report to her?

8 A Yes.

9 Q You remained a sales associate?

10 A Correct, yes.

11 Q Did your duties and responsibilities  
12 stay the same?

13 A Yes.

14 Q Did the requirement that you have  
15 \$750,000 in delivered sales annually remain the  
16 same in the Carle Place location?

17 A Yes.

18 Q Did your compensation structure  
19 remain the same in how you described, it was a  
20 commission against a draw?

21 A Yes.

22 Q Was there an assistant manager that  
23 you reported to in the Carle Place location?

24 A Well, there were a few different  
25 assistant managers. There was a Chris Bonaventura

0036

1 LAWRENCE I. FRIEDMANN

2 at one time. I really forget who else was the  
3 assistant manager. There were others, but I don't  
4 recall who they were.

5 Q Did there come a point in time when  
6 you requested another transfer to a different  
7 location?

8 A When they opened the Garden City  
9 store.

10 Q When was that?

11 A Probably two years after. Maybe  
12 2008. I'm not sure. When the store opened. But  
13 I was in Carle Place for a couple -- at least a  
14 couple of years.

15 Q Why did you want to transfer to the  
16 Garden City showroom?

17 A Well, it was a new location. It was  
18 a much larger store, much more potential.

19 Q Potential for what?

20 A Sales volume. Income, sales volume.

21 Q Did you interview with anyone in your  
22 request for a transfer to the new showroom?

23 A Lucy Goldstein was the manager of the  
24 Garden City store, so she chose who she wanted to  
25 come to the store.

0037

1 LAWRENCE I. FRIEDMANN

2 Q Miss Goldstein chose you to join her,  
3 as well as others, in the Garden City showroom?

4 A Mm-hmm. She asked who wanted to come  
5 there, and I said I wanted to, and she said okay.

6 Q At the Garden City showroom, you  
7 remained a sales associate?

8 A Mm-hmm. Yes.

9 Q Did your duties and responsibilities  
10 remain the same?

11 A Yes.

12 Q Did the requirement that you have  
13 \$750,000 in delivered sales annually remain when  
14 you started working at the Garden City showroom?

15 A Yes.

16 Q You reported to Lucy Goldstein at  
17 this location?

18 A Yes.

19 Q Were there assistant managers at this  
20 location?

21 A There were.

22 Q When you started there in 2008, who  
23 were the assistant managers?

24 A Mitchell Medonic (phonetic) was one  
25 of them for a time. The person who is deceased,

0038

1 LAWRENCE I. FRIEDMANN

2 his first name was John. He was also a showroom  
3 manager there at one point. Iman Kasmi was later  
4 on.

5 Q Anyone else, assistant managers?

6 A Anthony Baines was there for a while.

7 Q Anyone else?

8 A There were a couple of others, but I  
9 really have forgotten their names.

10 Q During your time at the Garden City  
11 showroom, did Miss Goldstein remain the manager of  
12 that showroom?

13 A Yes.

14 Q Besides Yonkers, Carle Place and  
15 Garden City, did you work at any other locations?

16 A I was asked to interview for another  
17 location just prior to me being dismissed.

18 Q Tell me about that.

19 A I was asked to interview at the Carle  
20 Place location again.

21 Q Who asked you to interview?

22 A Lucy Goldstein and Tony Bender, who  
23 was the regional at the time.

24 Q Do you know why they asked you to  
25 interview for a position at Carle Place?

0039

1 LAWRENCE I. FRIEDMANN

2 A They felt I would be more comfortable  
3 in a smaller location. I didn't request it.

4 Q Did they say that to you?

5 A Yes.

6 Q Did they explain what they meant by  
7 that?

8 A Well, I was already on a coaching  
9 plan.

10 Q Did you interview?

11 A I did.

12 Q Who did you meet with there?

13 A The first name was Laura. I don't  
14 remember her last name.

15 Q Do you recall when you met with  
16 Laura?

17 A Probably six weeks before I was let  
18 go.

19 Q You're referring to your termination  
20 from Raymour & Flanigan?

21 A Yes.

22 Q Where did you meet with Laura?

23 A In the Carle Place location.

24 Q Was it just you and her, or was  
25 anyone else present?

0040

1 LAWRENCE I. FRIEDMANN

2 A Tony Bender did walk in in the middle  
3 of the meeting and told her what a tremendous  
4 asset I would be to the store. We exchanged a few  
5 friendly commentary, which to me was suspect.

6 Q Why was that suspect to you?

7 A Well, actually Laura, during the  
8 interview, you know, she did most of the -- you  
9 know, just giving her philosophy and everything,  
10 and she said to me that she wasn't looking for  
11 anyone in her store who might have a few bucks in  
12 the bank, which I was a little offended with.

13 Q Did she explain what she meant by  
14 that?

15 A I think she was referring to me  
16 being, you know, an older gentleman who might have  
17 a few bucks in the bank.

18 Q Did she say that?

19 A No, but the remark was sarcastic.

20 Q Let's take a step back for a moment.  
21 The meeting took place in her office?

22 A No. At a dining room table in the  
23 main showroom just off of the hallway.

24 Q You testified that she spent most of  
25 the time talking about her philosophy?



0041

1 LAWRENCE I. FRIEDMANN

2 A Yes.

3 Q What do you mean by that?

4 A Well, she did most of the talking,  
5 and I was advised that she likes to talk, so I let  
6 her talk.

7 Q Who told you that she likes to talk?

8 A Actually, Iman Kasmi.

9 Q When you say philosophy, do you mean  
10 her sales philosophy?

11 A Her sales philosophy, her  
12 requirements.

13 Q You're referring to her requirements  
14 for sales associates?

15 A Yeah. I felt the interview went  
16 well, but then that afternoon I was informed that  
17 she would not be taking me to the Carle Place  
18 store, that I would be staying in Garden City and  
19 remain on the coaching plan.

20 Q What do you recall you said during  
21 the interview with Laura?

22 A That I felt it was a good idea to go  
23 to the Carle Place store, that perhaps because of  
24 my sciatic condition -- it's really one-third the  
25 size of the Garden City store, so I felt that --

0042

1 LAWRENCE I. FRIEDMANN

2 and I was familiar with the store. I was there  
3 for two years. It's a good customer. It's a  
4 little bit different customer than the Garden City  
5 store. It's more of a North Shore customer.

6 Q What do you mean by that?

7 A I mean even though you had this huge  
8 store just a quarter of a mile away, the other  
9 location, the Garden City store, this store has  
10 remained open and does fairly well.

11 Q What do you mean by a North Shore  
12 customer?

13 A For some reason they seem to attract,  
14 because of the location, clientele that live more  
15 on the North Shore, where Garden City really just  
16 attracts the customer that's from all over. It's  
17 just in a different location.

18 Q Is there something particular about a  
19 North Shore customer?

20 A No. No. It was a good customer.

21 Q You said that you thought that the  
22 transfer to Carle Place was a good idea?

23 A For me.

24 Q Did you explain to her during that  
25 interview why you thought it was a good idea?

0043

1 LAWRENCE I. FRIEDMANN

2 A I did. I went there highly  
3 motivated. I thought the interview went well, and  
4 apparently it didn't.

5 Q What exactly did you say to her  
6 during the interview why you believed that the  
7 transfer would be a good idea?

8 A I really said to her what one says in  
9 an interview. You come on motivated and say the  
10 right things.

11 Q Can you recall any of the specifics?

12 A Not really.

13 Q You mentioned briefly just now about  
14 your sciatica. Did you discuss that with her?

15 A I mean there is a history of it. You  
16 have all the documentation on that. There is  
17 quite a history on the sciatica problem, and  
18 that's when my volume started to slide in 2010.

19 Q During your interview with Laura at  
20 the Carle Place showroom, did you discuss your  
21 sciatica with her?

22 A No.

23 Q Did you, during that interview,  
24 discuss with her why your sales volume had begun  
25 to drop?

0044

1 LAWRENCE I. FRIEDMANN

2 A I probably said -- you know, referred  
3 back to, you know, the health issue. I really  
4 don't recall what I discussed with her.

5 Q Do you recall discussing your health  
6 issue with Laura during this interview?

7 A I don't believe so.

8 Q Can you recall anything else that was  
9 discussed during this interview?

10 A No. The only thing that stayed clear  
11 in my mind was: I don't want anyone in my store  
12 who has a few bucks in the bank.

13 Q Do you recall what, if anything, you  
14 said after Laura allegedly made that comment to  
15 you?

16 A I didn't react to it.

17 Q You didn't ask her what she meant?

18 A No.

19 Q Did she say anything further along  
20 those lines?

21 A No.

22 Q Can you recall anything else that she  
23 said during the interview?

24 A No.

25 Q During your employment with Raymour &

0045

1 LAWRENCE I. FRIEDMANN

2 Flanigan, did any of your supervisors ever discuss  
3 your performance with you?

4 A Only when I wound up on the coaching  
5 plan.

6 Q During your employment with Raymour &  
7 Flanigan, did you ever receive any performance  
8 evaluations?

9 A Yes.

10 Q Do you recall when you received  
11 evaluations?

12 A Well, the first four years of my  
13 employment -- the first year my sales volume was a  
14 million 19. The second year it was 856,000. The  
15 third year it was 846. The fourth year it was  
16 792, and the fifth year was the sciatica issue,  
17 which I was, you know, under doctor's care for  
18 about seven months. That's when my volume started  
19 to drop.

20 MR. ANDREWS: I think Jessica's  
21 question was did you receive  
22 performance evaluations.

23 MS. CHICLACOS: That's fine.  
24 And I will clarify with him, if  
25 necessary.

0046

1 LAWRENCE I. FRIEDMANN

2 A Well, you always received performance  
3 evaluations.

4 MS. CHICLACOS: Can I have this  
5 marked, please, as 6.

6 (Defendant's Exhibit 6, Raymour  
7 & Flanigan Furniture Performance  
8 Evaluation and Development Form  
9 marked for Identification as of this  
10 date.)

11 Q Mr. Friedmann, I would like to show  
12 you what's been marked as Defendant's Exhibit 6.  
13 Do you recognize this document?

14 A I mean it's one of many.

15 Q Is that your signature at the bottom?

16 A It is.

17 Q Do you recall when you received this  
18 document?

19 A It's not dated.

20 Q By looking at the budget and actual,  
21 does that refresh your recollection?

22 A Not really. It looks from here that  
23 I exceeded what the requested amount was, if I'm  
24 looking at the actual. If I'm looking at the two  
25 months combined, I was minus 1,500 in whatever the

0047

1 LAWRENCE I. FRIEDMANN

2 first month was. And then I was plus 21,000 for  
3 the second month. So I have no idea when this --  
4 I see a manager's comment on the bottom: Great  
5 month.

6 Q But you don't recall who gave this to  
7 you?

8 A No. It had to be in one of the first  
9 four years.

10 MS. CHICLACOS: 7, please.

11 (Defendant's Exhibit 7, Raymour  
12 & Flanigan Furniture Performance  
13 Evaluation and Development Form dated  
14 6/7/08 marked for Identification as  
15 of this date.)

16 Q Mr. Friedmann, I will show you what's  
17 been marked as Defendant's Exhibit 7. Do you  
18 recognize this document?

19 A Again, not really. This is 6/7/08.  
20 I mean I see that again the volume exceeded their  
21 expectations.

22 Q At this point in time in June of  
23 2008, Lucy Goldstein was your manager?

24 A Yes.

25 Q Is that your signature on the bottom

0048

1 LAWRENCE I. FRIEDMANN

2 line?

3 A It is. I see the comment on the  
4 bottom, works and plays well with all.

5 Q Are you referring to works well --

6 A Works well with all.

7 Q Do you recall who gave you this  
8 document?

9 A No, and I really can't make out the  
10 signature.

11 Q Do you recall if it was  
12 Miss Goldstein?

13 A No, because they -- they actually  
14 divided up the evaluation responsibility by teams,  
15 so it could have been one of three managers  
16 possibly.

17 Q In June of 2008, do you recall who  
18 those managers could have been?

19 A No.

20 MS. CHICLACOS: 8, please.

21 (Defendant's Exhibit 8, Raymour  
22 & Flanigan Furniture Performance  
23 Evaluation and Development Form dated  
24 August 17, 2008 marked for  
25 Identification as of this date.)



0049

1 LAWRENCE I. FRIEDMANN

2 Q I would like to show you what's been  
3 marked as Defendant's Exhibit 8. Do you recognize  
4 this document?

5 A Again, not really.

6 Q Do you see that the document is dated  
7 August 17, 2008?

8 A Yes.

9 Q Is that your signature?

10 A Yes.

11 Q If you could turn your attention to  
12 the section marked goals, point 1.

13 A Okay.

14 Q It says -- and I'm trying to read my  
15 best with the writing: Will work on CO apps, more  
16 preferreds.

17 A Preferred referring to the credit  
18 where they pay when they get the first bill, where  
19 the customer pays when they get the first bill.  
20 That's what a preferred account refers to as  
21 opposed to long-term financing.

22 Q So a preferred account is when a  
23 customer pays in full?

24 A Pays in 30 days, yes. Otherwise they  
25 will start to pay interest if they don't.

0050

1 LAWRENCE I. FRIEDMANN

2 Q It says under manager's comments:

3 Has had a bad month, vacations, et cetera.

4 A Yeah.

5 Q Do you recall what was going on at  
6 this point in time?

7 A I honestly don't remember. I mean at  
8 that point I was probably entitled to two or three  
9 weeks vacation. I don't recall how long -- you  
10 know what kind of a vacation I took at that point.

11 Q But if you look at the top --

12 A Yes.

13 Q -- where it says volume, rent and  
14 budget, 117 --

15 A Right.

16 Q -- is that referring to the amount of  
17 sales that should have been written during that --

18 A Correct, yes.

19 Q And then the actual was --

20 A Was 77,000 and delivered was 55. May  
21 I point out that this 2008 was the year that I  
22 wound up with 792?

23 Q When you say 792, are you referring  
24 to \$792,000 in delivered sales for that year?

25 A Yes. Yes.

0051

1 LAWRENCE I. FRIEDMANN

2 Q Besides the three documents we've  
3 just looked at, do you recall receiving any other  
4 documents like this during your employment?

5 A Probably. I mean probably. I mean I  
6 don't -- you know, I don't recall receiving these  
7 documents. I mean I signed them, but --

8 MS. CHICLACOS: Can we take a  
9 five-minute break, please.

10 (At this time, a brief recess  
11 was taken.)

12 CONTINUED EXAMINATION

13 BY MS. CHICLACOS:

14 Q While working at Raymour & Flanigan,  
15 did you ever receive any disciplines?

16 A No.

17 Q While working at Raymour & Flanigan,  
18 were you ever placed on a Coaching for Success  
19 plan?

20 A Just prior to me being let go.

21 Q Tell me what you recall about being  
22 placed on the Coaching for Success plan.

23 A I think the coaching plan started  
24 after I was turned down to transfer to Carle  
25 Place. I really don't recall exactly when it

0052

1 LAWRENCE I. FRIEDMANN

2 started, but I believe it started then.

3 Q Who placed you on this Coaching for  
4 Success plan?

5 A Lucy Goldstein.

6 Q Why did she do so?

7 MR. ANDREWS: Objection.

8 Q Did she explain to you why she placed  
9 you on a Coaching for Success plan?

10 A Sales volume, where there would be  
11 coaching and training and follow-up every two  
12 weeks, which was nonexistent.

13 MS. CHICLACOS: Defendant's  
14 Exhibit 9, please.

15 (Defendant's Exhibit 9, Raymour  
16 & Flanigan Coaching for Success  
17 document dated May 7, 2011 marked for  
18 Identification as of this date.)

19 Q Mr. Friedmann, I would like to show  
20 you what's been marked as Defendant's Exhibit 9.

21 A Okay.

22 Q Do you recognize this document?

23 A Yes.

24 Q What is it?

25 A It's a coaching plan.

0053

1 LAWRENCE I. FRIEDMANN

2 Q Is this the coaching plan you were  
3 just testifying about?

4 A Yes.

5 Q Do you see that the document on the  
6 second page is dated May 7, 2011?

7 A Yes.

8 Q Is that your signature --

9 A Yes, it is.

10 Q -- on the second page?

11 Did Miss Goldstein provide you with  
12 this document?

13 A Yes.

14 Q Did she meet with you to give it to  
15 you?

16 A Yes.

17 Q What did she say?

18 A Along with Anthony Baines.

19 Q He was the assistant store manager at  
20 that time?

21 A Yes.

22 Q Where did you meet with  
23 Miss Goldstein and Mr. Baines?

24 A At a dining room table in the main  
25 showroom.

0054

1 LAWRENCE I. FRIEDMANN

2 Q Was anyone else present?

3 A No.

4 Q What did Miss Goldstein say to you  
5 when she provided you with this document?

6 A That this was the requirements, you  
7 know, the expectations.

8 Q Are you referring to --

9 A Well, I'm looking at the goal  
10 figures. These are expected -- you know,  
11 expectations of goals. I don't know what the  
12 actual is. Is it listed here? No, I don't see  
13 any.

14 Q If you look at the top of the  
15 document --

16 A Yes.

17 Q -- it refers to a 750,000 business  
18 planner for 2011.

19 A Yes.

20 Q Does that refer to the \$750,000  
21 requirement --

22 A Yes, it does.

23 Q Let me finish my question.

24 A Sorry.

25 Q -- of delivered sales for the year?

0055

1 LAWRENCE I. FRIEDMANN

2 A Yes.

3 Q If you see there as well, does it say  
4 that your delivered sales to date thus far were  
5 \$252,750?

6 A And projected out to 617,435.

7 Q For the year?

8 A Yes.

9 Q Do you recall anything that  
10 Miss Goldstein said to you when she gave this to  
11 you?

12 A Honestly, at this point I started to  
13 sense that they had an agenda, because the 617,435  
14 on May 7th projected out could change rapidly.  
15 It's only five months into the year.

16 Q What was your sense of an agenda?

17 A Well, just things were happening. I  
18 didn't like the interview in Carle Place to begin  
19 with. I had a sense there. I had a sense  
20 afterwards too, but I just looked aside and said  
21 maybe things will change. But I just started to  
22 feel something was changing.

23 Q What do you mean by that?

24 A That it was the beginning of what  
25 happened.

0056

1 LAWRENCE I. FRIEDMANN

2 Q What do you mean by what happened?

3 A That I was let go.

4 Q If you look at this document, like  
5 you said, it's dated May 7, 2011.

6 A Mm-hmm.

7 Q Do you recall if you met with Laura  
8 in Carle Place before or after this date?

9 A Probably before, maybe a day or two.  
10 It's right around this date, because this is when  
11 the coaching plan started.

12 Q Going back to the meeting with  
13 Miss Goldstein and Mr. Baines when she provided  
14 you this document --

15 A Right.

16 Q -- can you recall what Miss Goldstein  
17 said to you during this meeting?

18 A Not really.

19 Q Do you recall what Mr. Baines said  
20 during this meeting?

21 A Not really.

22 Q Do you recall what, if anything, you  
23 said during this meeting?

24 A Not really.

25 Q If you see in the document it says:



0057

1 LAWRENCE I. FRIEDMANN

2 Below will be your goals for the next two weeks.

3 A Right.

4 Q And that there would be follow-up?

5 A Correct.

6 Q Was there follow-up?

7 A Not really. I mean there's follow-up  
8 where you're signing another piece of paper every  
9 two weeks, but there was no coaching to speak of.  
10 There was no initiation of coaching or intent to  
11 coach.

12 Q Did you ask Miss Goldstein for any  
13 assistance to help raise your sales volume at this  
14 point?

15 A I was starting to feel it was  
16 pointless.

17 Q Please answer the question. Did you  
18 at this point ask her for any assistance to help  
19 raise your sales volume?

20 A No.

21 Q Did you ask Mr. Baines?

22 A No.

23 Q Did you ask anyone at the Garden City  
24 showroom at this point for any assistance to help  
25 raise your sales volume?

0058

1 LAWRENCE I. FRIEDMANN

2 A No.

3 Q Did you ask anyone at Raymour &  
4 Flanigan for assistance in help raising your sales  
5 volume?

6 A No.

7 MS. CHICLACOS: 10, please.

8 (Defendant's Exhibit 10, Raymour  
9 & Flanigan Coaching for Success  
10 document dated May 23, 2011 marked  
11 for Identification as of this date.)

12 Q Mr. Friedmann, I show you what's been  
13 marked as Defendant's Exhibit 10. Do you  
14 recognize this document?

15 A Same coaching plan.

16 Q If you look at the second page of the  
17 document, it's dated May 23, 2011; is that  
18 correct?

19 A Yes.

20 Q Is that your signature?

21 A Yes.

22 Q Is that Miss Goldstein's signature on  
23 the document?

24 A Yes.

25 Q So this is different than Defendant's

0059

1 LAWRENCE I. FRIEDMANN

2 Exhibit 9, the previous Coaching for Success plan  
3 we looked at?

4 A It's the second review date.

5 Q Is it the follow-up that was  
6 discussed when you were initially provided with  
7 the plan?

8 A Well, it's dated 5/23, so it is the  
9 follow-up.

10 Q It was approximately two weeks later?

11 A Correct.

12 Q Did Miss Goldstein provide you with  
13 this document?

14 A Yes, she did.

15 Q When did she do so?

16 A Actually, you know, she did not  
17 provide me with documents. She did not provide me  
18 with copies of these.

19 Q Did you sign this document?

20 A I signed it, but she didn't provide  
21 me with a copy of the document.

22 Q Did you have an opportunity to review  
23 it before signing it?

24 A Yes.

25 Q You met with her and she showed you

0060

1 LAWRENCE I. FRIEDMANN

2 this document, and you reviewed it for you to  
3 sign?

4 A I signed it because that's what you  
5 have to do, sign it.

6 Q Where did she do that?

7 A At the same dining room table.

8 Q Was anyone else present?

9 A I don't remember who else was  
10 present. There's two or three different showroom  
11 managers, so I really don't recall who was there.

12 Q At this point in time in May of 2008,  
13 there was Anthony Baines; correct?

14 A Yes. Iman Kasmi was also there as a  
15 showroom manager. I don't recall if there was a  
16 third manager at this point.

17 Q Do you recall what Miss Goldstein  
18 said to you when she met with you to provide you  
19 with this document?

20 A Not really.

21 Q Do you remember what you said to  
22 Miss Goldstein when you met with her when she gave  
23 you this document?

24 A Not really.

25 Q If you look at the column on the

0061

1 LAWRENCE I. FRIEDMANN

2 bottom of the page --

3 A Okay.

4 Q -- showing that for one week the  
5 expectation for delivered sales is \$20,000; do you  
6 see that?

7 A Yes.

8 Q Then are there numbers written in  
9 showing what your actual delivered sales were?

10 A Yes.

11 Q And then at the bottom there's a  
12 notation as of 5/23, year to date, minus 63,799.  
13 Is that your handwriting?

14 A Yes. No. No, that's not my  
15 handwriting.

16 Q Do you know whose handwriting that  
17 is?

18 A I have no idea.

19 Q Do you know what that's referring to?

20 A Not really. I mean maybe this is a  
21 make-up figure for the -- I really don't.

22 Q At this point in time, did you ask  
23 Miss Goldstein for any assistance in helping raise  
24 your sales goals?

25 A No.

0062

1 LAWRENCE I. FRIEDMANN

2 Q Did you ask anyone else at Raymour &  
3 Flanigan for assistance?

4 A No, nor was any offered.

5 Q Did Miss Goldstein discuss with you  
6 any follow-up that would be taken following this  
7 with respect to your sales goals?

8 A I don't recall.

9 Q While you were working at the Garden  
10 City showroom, did you ever receive an action plan  
11 and performance agreement?

12 A Prior to this?

13 Q Following this.

14 A The final -- well, there might have  
15 been one other -- I mean I was let go on June 18,  
16 so there had to be another.

17 MS. CHICLACOS: Defendant's  
18 Exhibit 11, please.

19 (Defendant's Exhibit 11, Raymour  
20 & Flanigan Coaching for Success  
21 document dated June 13, 2011 marked  
22 for Identification as of this date.)

23 Q Mr. Friedmann, this is what's been  
24 marked as Defendant's Exhibit 11.

25 A Okay.

0063

1 LAWRENCE I. FRIEDMANN

2 Q Do you recognize this document?

3 A Yes.

4 Q What is it?

5 A It's the -- it's an action plan.

6 Q What is an action plan?

7 A Which an action plan would ultimately  
8 lead to termination.

9 Q Who provided you with this action  
10 plan?

11 A I see Lucy Goldstein signed it, so it  
12 would be here.

13 Q On the second page, that's your  
14 signature?

15 A Yes.

16 Q The document is dated June 13, 2011?

17 A Yes, it is.

18 Q Do you recall meeting with  
19 Miss Goldstein when she provided you with this  
20 action plan?

21 A At the same dining room table.

22 Q Do you recall if anyone else was  
23 present?

24 A No, I do not.

25 Q Do you recall what Miss Goldstein

0064

1 LAWRENCE I. FRIEDMANN

2 said during this meeting?

3 A No.

4 Q Do you recall what you said during  
5 this meeting?

6 A No.

7 Q Were you meeting your sales goals at  
8 this point in time?

9 A I'm not sure. I mean I'm not sure if  
10 I met my sales goals to come up to the level of  
11 750 or the action plan. No, I don't know.

12 Q If you look to the top square of the  
13 document, it shows that the date range that they  
14 were analyzing your sales goals was January 1,  
15 2011 through June 10, 2011; correct?

16 A Correct.

17 Q That would be for the first half of  
18 the year?

19 A Right.

20 Q Do you see where it says that your  
21 delivered sales are \$322,875?

22 A Yes.

23 Q So based on the \$750,000 requirement  
24 in delivered sales, at this point in time were you  
25 meeting your goals to have met that number?



0065

1 LAWRENCE I. FRIEDMANN

2 A No, I was not, but I believe the  
3 projection would be higher than the 617,435 that  
4 was dated 5/7. So I was making progress at that  
5 point, because 322,875, if you project it out to  
6 the end of the year, would probably be 660, 670.  
7 So it was climbing, because this is only through  
8 June 13th.

9 Q I understand that. But the number at  
10 this point in time for the year was \$750,000;  
11 correct?

12 A That was the goal figure.

13 Q In delivered sales?

14 A The goal figure, but it was climbing.  
15 The figure -- if you look at it from May 7th where  
16 they projected 617,435, the 322,875 would probably  
17 project out to 660, 675, so it was climbing.

18 Q You're referring to the document  
19 Defendant's Exhibit 10 where the previous month, a  
20 month before --

21 A No. I'm looking at the action plan  
22 on June -- dated June 13th. It shows that my  
23 annual expectation was 322,875 in delivered sales.

24 MR. ANDREWS: Is that year to  
25 date?

0066

1 LAWRENCE I. FRIEDMANN

2 THE WITNESS: Year to date.

3 MS. DAUB: Off the record for a  
4 second.

5 (Discussion held off the  
6 record.)

7 CONTINUED EXAMINATION

8 BY MS. CHICLACOS:

9 Q Mr. Friedmann, if you could look at  
10 Exhibit 9, which is the May 7, 2011 Coaching for  
11 Success plan, if you could take that out, please.  
12 They're tagged at the bottom.

13 A I see that.

14 Q If you could focus on that one,  
15 please.

16 A Yes.

17 Q At the top of the document it states  
18 that you underperformed for this year to date to  
19 the minimum expectation of \$252,750 in delivered  
20 sales by \$53,537.

21 A Okay.

22 Q Is it correct that this document is  
23 saying that at this point the minimum expectation  
24 of delivered sales was \$252,750?

25 A Right.

0067

1 LAWRENCE I. FRIEDMANN

2 Q And what does the document reflect  
3 with respect to your performance?

4 MR. ANDREWS: Objection. I  
5 think that's a compound question.

6 A The 53,000?

7 Q Does that reflect that you were under  
8 the minimum expectation by \$53,537?

9 A Yes, to get to 750.

10 Q Okay. Do you have any reason to  
11 believe that this number is inaccurate?

12 A I have no reason to believe it's  
13 accurate or inaccurate. I don't. I mean no, I  
14 have no reason to believe it's inaccurate.

15 Q The minimum expectation at this point  
16 was \$252,750, still looking at Defendant's  
17 Exhibit 9.

18 A Okay.

19 Q So you underperformed by \$53,537?

20 A Correct.

21 Q Does that mean that your actual  
22 delivered sales up to that point in time were less  
23 than \$200,000?

24 A By \$53,000. I don't know at this  
25 point. I'm assuming that's yes.

0068

1 LAWRENCE I. FRIEDMANN

2 Q You testified that you had no reason  
3 to believe that these numbers aren't accurate.

4 A Okay.

5 Q So if the minimum expectation was  
6 \$252,750 --

7 A Correct.

8 Q -- you underperformed by \$53,537;  
9 correct?

10 A Correct.

11 Q So that would mean that your actual  
12 delivered sales to that point were less than  
13 \$200,000; correct?

14 A I'm assuming so. I mean I don't  
15 know.

16 Q Based on this document.

17 A Well, that it was under it by a  
18 thousand dollars. I mean is that what you're --  
19 it would be the difference between the two  
20 numbers.

21 Q The difference between the two  
22 numbers, correct, which is less than \$200,000?

23 A Correct. Yes.

24 Q If you could, please look at  
25 Defendant's Exhibit 10 now, please.

0069

1 LAWRENCE I. FRIEDMANN

2 A Yes.

3 Q You have to make sure you have 10 in  
4 front of you.

5 A I do. I have 10, yes.

6 Q Why don't you put 10 on top to make  
7 it easier.

8 A Okay.

9 Q This document has handwritten numbers  
10 in the chart on the bottom; correct?

11 A Correct, yes.

12 Q So let's take it column by column.

13 A Okay.

14 Q The first column, which is your  
15 written expectation for one week, says the  
16 expectation is \$24,000; correct?

17 A Correct.

18 Q The document reflects that your  
19 actual written sales were \$11,799; correct?

20 A Yes.

21 Q So the actual written sales were  
22 lower than the written expected sales?

23 A Okay.

24 Q Correct?

25 A Yes.

0070

1 LAWRENCE I. FRIEDMANN

2 Q By more than half?

3 A Right.

4 Q If we look at the next column,  
5 delivered expectation, the expectation is \$20,000;  
6 correct?

7 A Yes.

8 Q If you see what your actual delivered  
9 sales were, the number is \$6,807; correct?

10 A Correct.

11 Q The actual delivered sales is less  
12 than the delivered expected sales; correct?

13 A Okay. Yes.

14 Q If you look at the following column,  
15 AGP --

16 A Yes.

17 Q -- what does AGP stand for?

18 A Adjusted gross profit? I mean I  
19 don't know.

20 Q It shows that that number should have  
21 been 2.5 percent?

22 A Right.

23 Q And it shows that your actual AGP was  
24 \$1,588?

25 A Right.

0071

1 LAWRENCE I. FRIEDMANN

2 Q For the next column, platinum

3 expectation --

4 A Yes.

5 Q -- what does platinum expectation

6 refer to?

7 A That's the five-year protection plan

8 that they offer.

9 Q That's the platinum plan?

10 A Yes.

11 Q That's offered to customers in

12 connection with the purchase of furniture?

13 A Right.

14 Q The expectation is 50 percent;

15 correct?

16 A Yes.

17 Q And your actual was 44 percent?

18 A Yes.

19 Q And so your actual was less than the

20 expected?

21 A Correct.

22 Q The final column, bedding

23 expectation.

24 A That's a percentage of overall

25 volume.

0072

1 LAWRENCE I. FRIEDMANN

2 Q Does that refer to the bedding to be  
3 sold?

4 A Yes. The expectations are  
5 18 percent.

6 Q So Raymour & Flanigan expected for  
7 the week that you would sell 18 percent of --

8 A Of your total.

9 Q Of your total sales would be bedding?

10 A Correct.

11 Q Does it show that your actual bedding  
12 sales were \$1,579?

13 A Yes.

14 Q That number being less than  
15 18 percent of the actual?

16 A Yes.

17 Q On the bottom of the document, the  
18 handwritten numbers that we discussed before --

19 A Yes.

20 Q -- it says as of 5/23, year to date,  
21 minus \$63,799; correct?

22 A Okay. Yes.

23 Q You testified that Lucy wrote that?

24 A Yes.

25 Q Do you have any reason --



0073

1 LAWRENCE I. FRIEDMANN

2 A I mean I'm assuming it's the same  
3 handwriting.

4 Q Do you have any reason to believe  
5 that these numbers are inaccurate?

6 A No.

7 Q Do you have any reason to believe  
8 that the numbers in the chart regarding the  
9 expected and the actual are inaccurate?

10 A No.

11 Q So looking at the five categories in  
12 this chart --

13 A Yes.

14 Q -- you were failing to meet the  
15 expected in all five categories; correct?

16 MR. ANDREWS: Objection.

17 A On 5/7.

18 Q I believe actually the date of this  
19 one is 5/23.

20 A On 5/23.

21 Q As of 5/23?

22 A Okay.

23 MR. ANDREWS: Which exhibit are  
24 we looking at?

25 MS. CHICLACOS: Exhibit 10.

0074

1 LAWRENCE I. FRIEDMANN

2 MR. ANDREWS: Okay.

3 Q So your actual for all of these five  
4 categories in which you were evaluated was less  
5 than the expected?

6 A Yes.

7 Q Then if we can take a look at  
8 Defendant's Exhibit 11 one more time, please, the  
9 last one I've given you.

10 A Yes.

11 Q This is the action plan and  
12 performance agreement dated June 13, 2011;  
13 correct?

14 A Yes.

15 Q If you look at the square box at the  
16 top --

17 A Yes.

18 Q -- it says you underperformed for  
19 this year-to-date period to the minium expectation  
20 of \$322,875 in delivered sales by \$48,190;  
21 correct?

22 A Yes. So that went down.

23 Q So this document says that at this  
24 point in time as of June 13th, the minimum  
25 expectation of sales was approximately \$322,000?

0075

1 LAWRENCE I. FRIEDMANN

2 A Correct.

3 Q And it shows that your delivered  
4 sales were almost \$50,000 less than the minimum  
5 expectation; correct?

6 MR. ANDREWS: Objection.

7 A But it also improved by \$5,000 over  
8 the previous.

9 Q It shows it's approximately \$50,000  
10 less than the expected sales?

11 A Yes.

12 Q So based on this, you were less than  
13 \$300,000 for the minimum expectation for the year  
14 at this point?

15 A Yes.

16 Q Do you have any reason to believe  
17 that those numbers aren't accurate?

18 A No.

19 Q I would like to turn your attention  
20 to the second page of Defendant's Exhibit 11,  
21 please, at the top the box marked actions for the  
22 associate.

23 A Yes.

24 Q It says: Larry needs to consistently  
25 turn any of his ups over to a manager if he could

0076

1 LAWRENCE I. FRIEDMANN

2 not close them. Do you know what that is in  
3 reference to?

4 A Yes. Any customer that I cannot  
5 sell, I would get a manager involved.

6 Q Did you do that?

7 A I did that.

8 Q It says that he should be going  
9 through all of his 1010s, 1212s and 66s to try and  
10 get as much delivered from this past business.

11 What is a 1010?

12 A 1010s are undated sales.

13 Q What does that mean?

14 A Sales that you have taken that do not  
15 have delivery dates on them.

16 Q What is a 1212?

17 A 1212 are special orders, I believe.

18 Q And a 66?

19 A I have forgotten what a 66 is.

20 Q Was Miss Goldstein trying to offer  
21 you suggestions here as to how to help improve  
22 your sales volume?

23 MR. ANDREWS: Objection.

24 A Well, it's typed in.

25 Q So yes?

0077

1 LAWRENCE I. FRIEDMANN

2 MR. ANDREWS: Objection.

3 A I don't believe she typed it. I  
4 think this is a standard form.

5 Q If you look at the document, it  
6 specifically says Larry.

7 A Yes.

8 Q What reason did you have to believe  
9 that this document wasn't created with comments  
10 especially for you?

11 A Well, it's created for me, but it's a  
12 standard form.

13 Q But the comments are specific to you?

14 A Yes, they are.

15 MR. ANDREWS: Objection.

16 Q So someone at Raymour & Flanigan  
17 entered these comments in for you?

18 A Correct.

19 MR. ANDREWS: Objection.

20 Q If you went through your 1010s, 1212s  
21 and 66s, would that be a possible way for you to  
22 increase your sales volume?

23 A In five days?

24 Q Answer my question, please. If you  
25 went through your 1010s, 1212s and 66s, would that

0078

1 LAWRENCE I. FRIEDMANN

2 be a way to increase your sales volume?

3 A Yes, I did.

4 Q You did do that?

5 A Sure.

6 Q It also says below that under actions  
7 for the management team, the managers will review  
8 with you your ups, closes, GEBS and appointments  
9 and give you any assistance they can.

10 What is GEBS?

11 A I really have forgotten.

12 Q Did you ask managers for any  
13 assistance in closing sales and ups to help  
14 increase your sales volume?

15 A I did.

16 Q Who did you ask?

17 A Anthony Baines.

18 Q Did he provide you with assistance?

19 A He did.

20 Q What kind of assistance did he  
21 provide you with?

22 A Well, he got involved with the  
23 customer and tried to close the sale, but that  
24 doesn't necessarily mean that he did.

25 Q Anyone else?

0079

1 LAWRENCE I. FRIEDMANN

2 A There was also a woman there, I've  
3 forgotten her name, that was an assistant manager  
4 that I also got involved with sales. I really  
5 have forgotten her name.

6 Q Does Raymour & Flanigan have any  
7 special promotions during the month of May?

8 A Yes. Friends and family.

9 Q What is friends and family?

10 A That's where you contact customers  
11 twice a year. They offer 20 percent discounts,  
12 you know, on merchandise, and they do quite well  
13 with that. End of sentence.

14 Q I would like to turn your attention  
15 to June 18, 2011.

16 A Mm-hmm.

17 Q What happened that day?

18 A Well, I was off on the 17th, had a  
19 very nice birthday party, and then came in on the  
20 18th, and I was not able to get on to the  
21 computer. I wasn't even suspicious at the time.  
22 I just thought something happened with my -- you  
23 know, just to get on.

24 And then about 12, 1 o'clock Lucy  
25 called me to -- you know, to ask me to come to the

0080

1 LAWRENCE I. FRIEDMANN

2 office. And then she sat me down at that famous  
3 dining room table, and her and Iman Kasmi told  
4 me -- well, she did. She told me that I was being  
5 terminated and to, you know, get my stuff together  
6 and leave.

7 So I challenged the reasons, and then  
8 she brought me into the back office with Tony  
9 Bender, the regional manager, and we hugged and  
10 exchanged niceties. And he said to me: You're a  
11 great guy, but your numbers are going to slip  
12 again, which was a judgment call in my opinion.

13 Q Anything else that you were going to  
14 add?

15 A No. Then I left the store. I mean I  
16 got my stuff together and left and forgot a few  
17 things, so I came back later in the day. You  
18 know, I was -- it wasn't really registering yet  
19 what transpired. I was actually meeting my former  
20 girlfriend for dinner right in the immediate area,  
21 and we sat down at the table, and I said I was let  
22 go. And then we had a nice dinner.

23 Q Let's go back. So you said at about  
24 12, 1 o'clock, Lucy --

25 A I'm assuming.



0081

1 LAWRENCE I. FRIEDMANN

2 Q Lucy asked to speak with you?

3 A Yes.

4 Q So you sat down at the dining room  
5 table in the showroom?

6 A Yes.

7 Q Mr. Kasmi was also present with you?

8 A Yes.

9 Q Was anyone else sitting with you?

10 A That was it.

11 Q Do you recall anyone else being  
12 within the vicinity of that table?

13 A No.

14 Q What exactly did Miss Goldstein say  
15 to you during this meeting?

16 A Basically that I'm terminated. It  
17 wasn't much of a -- much more of a commentary.

18 Q What else did she say?

19 A I don't recall.

20 Q Do you recall what Mr. Kasmi said  
21 during this meeting?

22 A Yes. He told me how his father had  
23 resisted retirement, but once he did, he really  
24 enjoyed it, and that I would collect unemployment,  
25 and that's not a bad thing.

0082

1 LAWRENCE I. FRIEDMANN

2 Q This was in the presence of  
3 Miss Goldstein?

4 A No. It was in the presence of the  
5 office, the sales office.

6 Q But just at the meeting at the table  
7 with Miss Goldstein and Mr. Kasmi, do you recall  
8 what he said during that meeting?

9 A He didn't say anything. He was there  
10 to second the signature or to be a witness.

11 Q What did you say?

12 A Well, I don't recall what I said, but  
13 at that point Miss Goldstein brought me into the  
14 back office where Tony Bender was, the regional,  
15 and we exchanged a few words. And again he said  
16 to me what a great guy I am, but he doesn't  
17 believe I can get my figures up again.

18 Q Did you say anything to him in  
19 response?

20 A No. It was pointless.

21 Q Did he say anything else?

22 A No.

23 Q Did Miss Goldstein say anything else?

24 A No.

25 Q You said Mr. Kasmi was talking to you

0083

1 LAWRENCE I. FRIEDMANN

2 about his father's situation?

3 A Yes.

4 Q When did that happen?

5 A When I went back to the sales office  
6 to collect my things.

7 Q Do you recall if anyone else was  
8 present?

9 A The office is filled with sales  
10 associates.

11 Q Do you recall in particular who was  
12 present?

13 A No.

14 Q What exactly did Mr. Kasmi say to  
15 you?

16 MR. ANDREWS: Objection.

17 A Again, he told me that his father had  
18 resisted retirement, and that once he retired, he  
19 was very happy with it, and that I could collect  
20 unemployment, and that's not a bad thing.

21 Q Did you say anything in response to  
22 him?

23 A There was no point to.

24 Q Did you mention retirement to him?

25 A No. Actually, Miss Goldstein had

0084

1 LAWRENCE I. FRIEDMANN

2 asked me prior to that when I planned to retire,  
3 and I said maybe in another five years.

4 Q During this conversation with  
5 Mr. Kasmi after your employment was terminated,  
6 did you mention that you were going to retire?

7 A No.

8 Q So why would Mr. Kasmi mention his  
9 father's retirement?

10 MR. ANDREWS: Objection.

11 A Because he was, in his way, trying to  
12 be a nice guy. I don't know what he was trying to  
13 say, but it was irritating.

14 Q Why was it irritating?

15 A Why was it irritating? Because it  
16 was referring to age.

17 Q How is that referring to age?

18 A Well, Mr. Kasmi is in his mid 40s,  
19 the same age as my sons, so I'm assuming his  
20 father is around my age. End of sentence.

21 Q In your Complaint you state that when  
22 Miss Goldstein terminated you on June 18, 2011,  
23 she stated: Enjoy your summer in the Hamptons.

24 A Yes, she did.

25 Q When did she make that statement?

0085

1 LAWRENCE I. FRIEDMANN

2 A As she was walking me out the door.

3 Q The door to the back office or the  
4 door to the showroom?

5 A No. The door to the showroom.

6 Q Did you have a Hamptons home?

7 A I don't own a Hamptons home.

8 Q Did you rent in the Hamptons?

9 A No, I didn't rent in the Hamptons.

10 Q You never rented in the Hamptons?

11 A I rented in the Hamptons when I was  
12 27 years old or 19 years old.

13 Q Did you vacation in the Hamptons?

14 A I did.

15 Q What years did you vacation in the  
16 Hamptons?

17 A From 19 on. I mean -- no. My  
18 ex-wife has a home in the Hamptons.

19 Q Do you visit her in that home every  
20 summer?

21 MR. ANDREWS: Objection.

22 A She lives in California. My son --  
23 my older son uses the home regularly. I use the  
24 home regularly.

25 Q Do you use the home every summer?

0086

1 LAWRENCE I. FRIEDMANN

2 A As much as I can, yes.

3 Q Did you use the home in 2008?

4 A In 2008?

5 Q Yes. During the summer.

6 A Probably on my days off.

7 Q Did you use the home --

8 A Or vacation time.

9 Q Did you use the home in 2009?

10 A Probably.

11 Q Did you use the home in 2010?

12 A Probably.

13 Q Did you have plans to use the home  
14 during the summer of 2011?

15 A No. I had plans to figure out what I  
16 was going to do after my termination.

17 Q Before your termination.

18 A Did I have plans to use it? Again,  
19 on my days off or vacation time.

20 Q Did you discuss the fact that your  
21 ex-wife owned a home in the Hamptons with people  
22 from work?

23 A I mean people were aware that there  
24 was a home in the Hamptons.

25 Q Did you tell Miss Goldstein that your

0087

1 LAWRENCE I. FRIEDMANN

2 ex-wife owned a home in the Hamptons?

3 A She was aware that there was a home  
4 in the Hamptons. I didn't discuss who owned the  
5 home.

6 Q That's fine. Just that you had use  
7 of a home in the Hamptons for the summer?

8 A Yes. She was wishing me well.

9 Q What do you mean, when she said that  
10 to you?

11 A Yes.

12 Q Do you know who made the decision to  
13 terminate your employment?

14 A No.

15 Q Did you ask Miss Goldstein why you  
16 were being terminated?

17 A It was pointless.

18 Q Did you ask her why you were being  
19 terminated?

20 A No.

21 Q Did she provide you with a reason why  
22 you were being terminated?

23 A Well, she would go back to sales  
24 figures.

25 Q Did she provide you with a reason

0088

1 LAWRENCE I. FRIEDMANN

2 that day?

3 A Not an adequate reason in my opinion.

4 Q What did she say was the reason for  
5 your termination?

6 A Well, it's the coaching plan leading  
7 to an action plan.

8 Q Did she explain that your sales  
9 volume was below expectations?

10 A She didn't need to explain it. It's  
11 here.

12 Q So the documents reflect --

13 A Again, it's five months into the  
14 year.

15 Q The documents reflect that your sales  
16 performance was down?

17 A Yes, they do.

18 MS. CHICLACOS: Can we pause for  
19 one moment off the record.

20 (At this time, a brief recess  
21 was taken.)

22 CONTINUED EXAMINATION

23 BY MS. CHICLACOS:

24 Q Mr. Friedmann, one question. Did you  
25 ever have a different spelling of your last name?



0089

1 LAWRENCE I. FRIEDMANN

2 A Sometimes they would leave an "N"  
3 off, and I would not dispute it, you know, but  
4 that's it. F-R-I-E-D-M-A-N-N is the way it's  
5 supposed to be spelled.

6 Q You've never used a different  
7 spelling.

8 A No.

9 MS. CHICLACOS: Let's take  
10 lunch.

11 (After a luncheon recess was  
12 taken, the following was had:)

13

14 A F T E R N O O N S E S S I O N

15 CONTINUED EXAMINATION

16 BY MS. CHICLACOS:

17 Q Mr. Friedmann, in this case you  
18 allege that you have a disability?

19 A Yes.

20 Q What is this disability?

21 A Well, I had back surgery in 2002,  
22 herniated disks, L4 and L5. That occurred when I  
23 was still with Seaman's. And I was out of work  
24 for four months. I had attempted to avoid surgery  
25 by taking epidural injections, and after two

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1 LAWRENCE I. FRIEDMANN

2 shots, they didn't work. So then I went for the  
3 surgery, and the rehab was about eight weeks.

4 Along with the disk problem, it was  
5 severe sciatica pain. So I would try -- you  
6 really don't know how -- what triggers the  
7 sciatica pain, so I would do different things to  
8 try and avoid it. I had a minor episode in 2008.  
9 I always start by going to my orthopedist, and  
10 then he would refer me to, you know, a specialist  
11 if necessary. That probably lasted a month or so.

12 But I believe in 2009 or 10, you  
13 know, I don't have the exact dates, I had a severe  
14 occurrence. That was early in the year. It was  
15 probably like January or the beginning of  
16 February. It was already bothering me. And then  
17 by the time I went to the orthopedist, it was  
18 another three weeks. At this point it was  
19 serious. I was not able to stand up. The pain  
20 was severe again, and he referred me to a pain  
21 management doctor, Dr. Britestein.

22 So, you know, I went for the initial  
23 consultation, and then he sent me for an MRI. And  
24 the MRI said that the sciatica condition exists  
25 and that there's an increasing -- not severe, but

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1 LAWRENCE I. FRIEDMANN

2 arthritis increases. So to basically sum up, this  
3 took about seven months until I was back to normal  
4 again. I went for the epidural -- I was cynical  
5 about the epidural injections because they didn't  
6 work the first time prior to the surgery. But,  
7 you know, he said why are we being negative. So  
8 we went forward with it, and it did help.

9 By the time the injections -- it's  
10 like two or three injections spaced out two or  
11 three weeks apart, you know, took hold, it then --  
12 then the pain subsided. I went for physical  
13 therapy. But I was not able to really stay on my  
14 feet at work for too long a period, because with  
15 their up system at Raymour, which is a good  
16 system, you have to stand at the door on the 10  
17 spot. And you could be standing there for 15, 20,  
18 25 minutes until a customer walks through the  
19 door.

20 I just couldn't stand like that for  
21 that period of time. I would try to lean on a  
22 dining room table. I would try different things  
23 to just relieve the pain. And it just -- the  
24 sciatica is just excruciating when it occurs.  
25 Finally after seven months it got, you know, under

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1 LAWRENCE I. FRIEDMANN

2 control again, but that destroyed that year. I  
3 mean up until then, the prior year I had done  
4 \$792,000 in volume, and I think I wound up the  
5 year, that particular year, with 646, something  
6 like that, in volume.

7 Q What is a 10 spot?

8 A This is Raymour & Flanigan's up  
9 system. They have a 10, which is you're in  
10 position to greet the customer. The 20 spot, the  
11 customer -- when the 10 man greets the customer,  
12 the 20 man moves up to the 10 spot to be in  
13 position to greet a customer. And then there is a  
14 30 spot, which is by the entrance of the office,  
15 you know, and you have to be ready to assume the  
16 20 spot.

17 But I could not -- I constantly had  
18 to sit down to relieve the pain. I just  
19 couldn't -- no matter what I did during that  
20 period, I just couldn't make the pain disappear.

21 Q So let's backtrack for a second. So  
22 you first experienced an issue in 2002?

23 A That was when I had gone for surgery,  
24 yes.

25 Q What had happened that you had a

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1 LAWRENCE I. FRIEDMANN

2 herniated disk?

3 A I had herniated disks, L4 and L5. I  
4 initially went to the same orthopedist, but he  
5 doesn't do surgery on a herniated disk, so he  
6 referred me to a surgeon. And along with the  
7 surgeon, he also referred me to a pain management  
8 doctor, and he believes in pain management.

9 So the surgeon really told me that I  
10 should go for the surgery immediately instead of  
11 going to the -- but I had the orthopedist telling  
12 me to try the pain management first. So that  
13 wasted probably another six, eight weeks until I  
14 finally said I'm going for the surgery. Then I  
15 had an 8-week rehab.

16 Q That was in 2002?

17 A That was 2002.

18 Q So the next time that you have issues  
19 relating to your back is in 2008?

20 A I had before that too, minor things,  
21 and then it would disappear. I've had three or  
22 four MRIs for the same incident. Each incident,  
23 you know, it gets progressively worse. So I did  
24 whatever I could do physically.

25 I no longer lift weights which -- you

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1 LAWRENCE I. FRIEDMANN

2 know, I do a lot of bike riding, and, you know,  
3 this type of exercise is healthy for this. I'm  
4 just very careful though because it -- once it  
5 flares up, it's impossible for it to -- it just  
6 doesn't go away on its own.

7 Q You testified earlier you started  
8 working for Raymour & Flanigan --

9 A In 2005.

10 Q -- in October of 2005; correct?

11 A Right.

12 Q When was the first time that you had  
13 a flare-up with your sciatica while working at  
14 Raymour & Flanigan?

15 A I might have had one in 2007. I  
16 mean -- but that was not -- you know, that went  
17 away relatively quickly. Then I had another  
18 flare-up I think in 2008, and I went for an MRI  
19 again. You know, again the dates I'm really --  
20 but the major one was, I believe, in 2009 when my  
21 volume dipped. The year before I did 792,000.  
22 The year that I had this, you know, issue for  
23 seven months, my volume dropped to 636, 646.

24 Q You believe that was 2009?

25 A 2010. I'm not sure. I would have to

0095

1 LAWRENCE I. FRIEDMANN

2 refer back to my medical records.

3 Q Well, if we take a look at your

4 Complaint --

5 A Right.

6 Q -- which was the first exhibit.

7 A This one.

8 Q It's probably at the bottom of the

9 pile. It was the first one.

10 A Okay.

11 Q If you look at page 3 of that

12 document.

13 A Okay.

14 Q It states there that you did not have  
15 any significant flare-ups in your sciatica from  
16 May 1, 2008 until March of 2010. Does that help  
17 refresh your recollection as to when you had this  
18 significant flare-up?

19 A Probably. Yeah, it would be -- I  
20 mean it flared up before that until I -- you know,  
21 until I went to the -- until it didn't go away on  
22 its own. I probably took three weeks until I went  
23 to the orthopedist.

24 Q If you look at the next page, there  
25 is detailed medical treatment ranging from

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1 LAWRENCE I. FRIEDMANN

2 March 3rd, 2010 through August 9, 2010.

3 A Right.

4 Q Does that help refresh your  
5 recollection as to what year you had the flare-up?

6 A Yes.

7 Q When did you have this significant  
8 flare-up?

9 A Well, the first time I went to the  
10 orthopedist was on March 3rd.

11 Q So it was in 2010?

12 A Correct.

13 Q You testified you believe that the  
14 flare-up lasted approximately seven months?

15 A Six months, seven.

16 Q That was in 2010?

17 A Correct.

18 Q So after this flare-up ended and you  
19 went through various treatments, did you have  
20 another flare-up during the course of your  
21 employment with Raymour & Flanigan?

22 A Minor. Not -- not anything that  
23 would inhibit my health at this point. But again,  
24 I was always careful after that incident, because  
25 that was seven months, and I was ready to go for



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1 LAWRENCE I. FRIEDMANN

2 surgery again. The pain management guy said why  
3 are we talking about surgery. So I'm constantly  
4 cautious about it, because I try to avoid any  
5 flare-ups.

6 Q Are you currently receiving any  
7 treatment --

8 A No.

9 Q -- for your sciatica?

10 A No.

11 Q Are you currently taking any  
12 medications for your condition?

13 A No. Once in a while Aleve, but not  
14 often.

15 Q Are you currently using any medical  
16 devices to help with your condition?

17 A Just exercise.

18 Q What, if any, limitations does your  
19 condition currently impose upon you?

20 A At this point, nothing. But any time  
21 I get a little pain in that area, I'm cautious. I  
22 mean I -- I mean I've always challenged myself  
23 physically, but now I restrict it to an indoor  
24 life cycle, which I do five hours a week, and then  
25 long distance bike riding in the summertime, which

0098

1 LAWRENCE I. FRIEDMANN

2 the doctors say is the most perfect exercise to  
3 control this.

4 Q Does your condition interfere with  
5 your ability to take care of yourself?

6 MR. ANDREWS: Objection.

7 A No.

8 Q Currently does it interfere with your  
9 ability to work?

10 A No.

11 Q Did you ever advise anyone at Raymour  
12 & Flanigan of your condition?

13 A Everyone was aware of it.

14 Q When you say everyone, tell me who  
15 specifically.

16 A Lucy Goldstein, Iman Kasmi, Anthony  
17 Baines. All my fellow associates. I mean all  
18 they had to do was see me hobbling around. It  
19 didn't take much explanation.

20 Q What are the names of your fellow  
21 associates?

22 A You want all 37?

23 Q Yes. We do need to go through the  
24 ones who --

25 A Well, I listed some here. I mean Joe

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1 LAWRENCE I. FRIEDMANN

2 Marscone, Guy Vacaro, Mike Mosca, Rafael Gonzales,  
3 I think. Actually, I would have to refer back to  
4 see some of the other names. You know, it's a  
5 couple of years now. Stacey Ross probably was  
6 aware. Lucy was definitely aware.

7 Q Is there anyone else you can remember  
8 at this point?

9 A Without referring back, no.

10 Q Referring back to what?

11 A To look at the names that were  
12 listed. I mean everybody was aware of it, because  
13 I could not stand at all during the seven-month  
14 period. Tony Bender was aware of it. He used to  
15 discuss his back problems with me. Jim Powers the  
16 VP was aware.

17 Q You had mentioned looking back at  
18 something. If you would like, you can take a  
19 moment and look at your interrogatory responses to  
20 see if there's anyone else who might have been  
21 aware of it.

22 A Danguole Pasyte. The spelling of the  
23 first name is D-A-N-G-U-O-L-E. P-A-S-Y-T-E. You  
24 have Charles Bruno, Judith Rubin, R-U-B-I-N.  
25 Anthony Baines was aware of it. That pretty much

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1 LAWRENCE I. FRIEDMANN

2 sums it up. I mean everybody was aware of it, but  
3 these are people that I interacted with on a daily  
4 basis.

5 Q Let's start with Miss Goldstein.  
6 When did you first discuss your condition with  
7 her?

8 A When I was going for medical  
9 treatment.

10 Q When was that?

11 A Prior to 2010, because I had to, you  
12 know, either take off for appointments or -- I  
13 mean prior to March 3rd, prior to the --

14 Q Of 2010?

15 A Yeah, because it already was  
16 bothering me. But before I made a decision to go  
17 to the doctor, I wanted to see if it was going to  
18 go away on its own. But after two or three weeks,  
19 I knew I had to seek medical attention.

20 Q So you asked Miss Goldstein for time  
21 off for doctor's appointments?

22 MR. ANDREWS: Objection.

23 A If it wasn't my regular day off, I  
24 would have asked her to switch my day off so I can  
25 make an appointment. It's possible it was my day

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1 LAWRENCE I. FRIEDMANN

2 off, but I made her aware of my --

3 Q What do you recall telling her  
4 specifically?

5 A That I had a flare-up of sciatica,  
6 and this one seems to be serious.

7 Q Anything else?

8 A That's it.

9 Q Do you recall what she said in  
10 response?

11 A Well, I could tell you that later on  
12 any time I discussed something with her, she would  
13 say oh, that sciatica issue again, which didn't  
14 seem too sympathetic to me.

15 Q When you say discuss things with her,  
16 what were you discussing with her?

17 A The fact that I couldn't stand for  
18 extended periods of time without being in  
19 excruciating pain. So if I was on the 10 spot --  
20 there's a dining room table that's right adjacent  
21 to the 10 spot. So to relieve a little pressure,  
22 I would lean on the dining room, and she would  
23 tell me to get back on the 10 spot. So I got back  
24 on the 10 spot. And then as it flared up again, I  
25 would move back to the table again, just to lean

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1 LAWRENCE I. FRIEDMANN

2 on it, you know, to lift a leg, to relieve it a  
3 bit.

4 Q When she would ask you to get back to  
5 the 10 spot, what would you say to her?

6 A I got back to the 10 spot.

7 Q Did you tell her that you needed  
8 some --

9 A Well, I told her that --

10 Q -- relief? Go ahead.

11 A I told her that the pain was  
12 excruciating, and she told me to get back on the  
13 10 spot anyway.

14 Q Did you ask her if you could sit  
15 down?

16 A I couldn't sit down on the 10 spot.

17 Q Did you ask to sit down elsewhere?

18 A Well, I've asked. I mean I was  
19 caught sitting down, and I got smart remarks  
20 constantly, but I had to sit down. If I walked --  
21 you know, it's a large showroom, so I walked  
22 through the showroom. And then it flares up a  
23 bit, and I have to do something to relieve it,  
24 otherwise it gets more intense.

25 Q Who did you ask to sit down?

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1 LAWRENCE I. FRIEDMANN

2 A Any names that I mentioned before  
3 were all aware of the problem. Jim Powers -- as  
4 an example, I sat down on this large ottoman for  
5 like two, three minutes, and I happened to be  
6 sitting like this. And he passed by and he says  
7 to me: You look like the thinker. I mean we  
8 laughed, but I knew it didn't look great to him.

9 Q Did he say anything else?

10 A No. He just kept, you know, on his  
11 way.

12 Q Do you know what he was referring to  
13 when he said the thinker?

14 A Yes. First of all, he was referring  
15 to me sitting down, period.

16 Q Do you know what the thinker is?

17 A I know what the thinker is.

18 Q What is it?

19 A Isn't that a classical -- I know who  
20 the thinker is.

21 Q A statue?

22 A Yes.

23 Q So he was comparing you to that?

24 A Yes.

25 Q Let's get back. You said you asked

0104

1 LAWRENCE I. FRIEDMANN

2 people if you would be allowed to sit down. Who  
3 specifically did you ask?

4 A I would ask Lucy. Really Lucy,  
5 because -- or I would sit down. I mean if I had  
6 to sit down, I had to sit down.

7 Q When you asked Lucy, what would she  
8 say?

9 A She wouldn't let me sit down. She  
10 would say go in the office, get off the floor.

11 Q She allowed you to leave the floor to  
12 go sit down?

13 A Well, you're not supposed to leave  
14 the floor.

15 Q She allowed you to leave the floor so  
16 you could sit down?

17 A No. She was being sarcastic. That's  
18 what she was being.

19 Q She said go to the office?

20 A Yeah. But if I'm with a customer, I  
21 can't go to the office.

22 Q So there were situations while you  
23 were helping a customer where you asked  
24 Miss Goldstein if you could sit down?

25 A No. I sat down. I sat down for two



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1 LAWRENCE I. FRIEDMANN

2 minutes. You don't understand the intensity of  
3 this pain, so you have to do something to relieve  
4 it.

5 Q Okay. But you just testified that  
6 you asked Miss Goldstein if you could sit down?

7 A Well, I would.

8 Q What would she say to you?

9 A She would not really approve me  
10 sitting down on the sales floor.

11 Q What would she say?

12 A Go in the office.

13 Q Did you go into the office?

14 A No, I didn't go in the office,  
15 because I was with a customer. I was always in  
16 earshot of the customer. But if I had to do  
17 something to relieve the pain during that period,  
18 I had to do it.

19 Q When you asked Miss Goldstein to sit  
20 down, her response was to go into the office?

21 A To go into the office or you can't  
22 sit down.

23 Q When did she tell you you couldn't  
24 sit down?

25 A I don't remember the dates.

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1 LAWRENCE I. FRIEDMANN

2 Q How many times did she tell you you  
3 couldn't sit down?

4 A Several.

5 Q Once?

6 A Several.

7 MR. ANDREWS: Objection.

8 A Several.

9 Q Less than five?

10 A More than five.

11 Q Less than 10?

12 A More than 10.

13 Q 15?

14 A Perhaps.

15 Q Who was present on any of these  
16 occasions when Miss Goldstein told you you  
17 couldn't sit down?

18 A There were other managers there too.

19 Q Who specifically?

20 A Anthony Baines.

21 Q Anyone else?

22 A Well, he was sitting right at the  
23 table when she said to me: Oh, that sciatica  
24 thing again.

25 Q Anyone else who was present when

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1 LAWRENCE I. FRIEDMANN

2 Miss Goldstein told you you couldn't sit down?

3 A No.

4 Q You say Miss Goldstein would say:

5 Oh, that sciatica thing again.

6 A Right.

7 Q Please describe to me the  
8 circumstances under which she said that to you?

9 A Well, if she would tell me my volume  
10 was sliding in 2010, I would say I'm -- I'm in  
11 difficult pain, I'm under medical treatment, and  
12 she would say: Oh, that sciatica thing again.

13 Q Who else was present when she said  
14 this?

15 A Probably no one. I didn't get a  
16 crowd around me to develop a witness.

17 Q Did she say this to you in 2011?

18 A Yes.

19 Q When did she tell you this in 2011?

20 A Probably during one of the coaching  
21 sessions also at which Anthony Baines happened to  
22 be sitting at the table, and he started laughing.

23 Q Started laughing?

24 A Mm-hmm.

25 Q What did you say?

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1 LAWRENCE I. FRIEDMANN

2 A Nothing.

3 Q You testified about a number of  
4 coaching sessions you had with Miss Goldstein. Do  
5 you recall which one she said this at?

6 A No.

7 Q Would it refresh your recollection to  
8 look at the documents to help you remember?

9 A It probably -- I mean I could look,  
10 but it probably isn't specific as to which session  
11 it is.

12 Q Why don't you take a look anyway at  
13 Defendant's Exhibits 11, 10 and 9.

14 A It wouldn't be on there.

15 Q Is there anything else that would  
16 help refresh your recollection?

17 A Not really.

18 Q You said that you were caught sitting  
19 down?

20 A Yes.

21 Q Who caught you sitting down?

22 A That was Jim Powers. That was the  
23 incident with the thinker.

24 Q Did anyone else catch you sitting  
25 down?

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1 LAWRENCE I. FRIEDMANN

2 A Well, any managers. If I had to sit  
3 down, I sat down. Just the general -- the general  
4 feeling was that -- not to sit down regardless.

5 Q Did anyone else catch you sitting  
6 down?

7 A No.

8 Q Did anyone see you sitting down and  
9 tell you to stand up?

10 A Yes.

11 Q Who?

12 A Lucy Goldstein.

13 Q Who else?

14 A Anthony Baines, Iman. And, you know,  
15 without being told to stand up, Jim Powers. Just  
16 his comment, I knew I should stand up. But he  
17 didn't say it harshly, but I knew I should stand  
18 up.

19 Q Did Mr. Powers tell you to stand up?

20 A No.

21 Q You testified that this flare-up in  
22 2010 lasted about six or seven months.

23 A About six, yeah.

24 Q Looking at the Complaint, your  
25 treatment began on March 3rd.

0110

1 LAWRENCE I. FRIEDMANN

2 A Page 3 and 4?

3 Q Yes. The Complaint says that the  
4 flare-up started in March; correct?

5 A Yes.

6 Q And that your treatment began --

7 A It began on -- March 3rd was the  
8 first time I went to the orthopedist, and it went  
9 through it looks like August, but there was not  
10 full recovery for another 30 days or so because  
11 these -- the physical therapy and the epidural  
12 injections really take time before they restore  
13 you to complete normalcy.

14 Q So by the end of September of 2010,  
15 you had had a full recovery from this flare-up?

16 A Pretty much.

17 Q After September of 2010, did you  
18 still need to sit down?

19 A Not as much.

20 Q Using September, 2010, after this  
21 point, did you ask anyone if you could sit down?

22 A No, not at that point, because it  
23 really wasn't anything that was going to be  
24 lengthy.

25 Q Did you ask anyone at Raymour &

0111

1 LAWRENCE I. FRIEDMANN

2 Flanigan for any kind of assistance after the  
3 flare-up ended?

4 A No.

5 Q So during the flare-up, you said you  
6 needed to sit down?

7 A Yes.

8 Q Anything else that you asked Raymour  
9 & Flanigan for?

10 A No.

11 Q Did you ask them for a leave of  
12 absence?

13 A No.

14 Q When you say that you asked them if  
15 you could sit down, were these requests made  
16 orally?

17 A Yes.

18 Q Did you ever put this request in  
19 writing?

20 A No.

21 Q You made these requests to the  
22 individuals at the Garden City showroom?

23 A Correct.

24 Q You testified earlier that you were  
25 in receipt of Raymour & Flanigan's employee

0112

1 LAWRENCE I. FRIEDMANN

2 handbook?

3 A Right.

4 MS. CHICLACOS: 12, please.

5 (Defendant's Exhibit 12, Raymour  
6 & Flanigan Furniture Associate  
7 Handbook marked for Identification as  
8 of this date.)

9 Q Mr. Friedmann, I would like to show  
10 you what's been marked as Defendant's Exhibit 11.

11 A Okay.

12 Q Please take a look at this document.  
13 Do you recognize it?

14 A Not really.

15 Q Do you recall receiving an employee  
16 handbook during that period?

17 A I did.

18 Q If you take a look at the second page  
19 of this document in the section entitled Americans  
20 with Disability Act --

21 A I see.

22 Q -- towards the end of that paragraph  
23 it states: To request an accommodation or other  
24 assistance, please contact your HR field  
25 specialist or regional HR manager as he or she is



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1 LAWRENCE I. FRIEDMANN

2 qualified to discuss this with you.

3 A Yes.

4 Q Do you see that?

5 A Yes.

6 Q Did you ever speak with anyone at  
7 Human Resources about your need to sit down?

8 A No.

9 Q Did you ever speak to anyone from  
10 Human Resources regarding your medical condition?

11 A No.

12 Q Did you apply for short-term  
13 disability while employed by Raymour & Flanigan?

14 A No.

15 Q Did you apply for a long-term  
16 disability while employed by Raymour & Flanigan?

17 A No.

18 Q Have you applied for short-term  
19 disability since leaving Raymour & Flanigan?

20 A No.

21 Q Have you applied for long-term  
22 disability since leaving Raymour & Flanigan?

23 A No.

24 Q Have you ever applied for Social  
25 Security Disability payments?

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1 LAWRENCE I. FRIEDMANN

2 A No.

3 Q Is it your claim that due to your  
4 condition, you can't perform a particular job?

5 MR. ANDREWS: Objection.

6 A At this point?

7 Q Yes.

8 A There would be weight limitations to  
9 lifting.

10 Q What kind of weight limitations?

11 A Just anything that requires dead  
12 lifting.

13 Q Of a certain amount of weight?

14 A Or size which could trigger something  
15 also.

16 Q You testified earlier that you spoke  
17 with Mr. Kasmi about your medical condition. Do  
18 you recall what you specifically told him?

19 A No.

20 Q Do you recall when you told him?

21 A No.

22 Q Do you recall what he said to you?

23 A No.

24 Q You testified you spoke to Mr. Baines  
25 about your medical condition?

0115

1 LAWRENCE I. FRIEDMANN

2 A Yes.

3 Q Do you recall what you told him?

4 A No.

5 Q Do you recall when you spoke to him?

6 A No.

7 Q Do you recall what he said to you?

8 A No.

9 Q You testified you spoke to Tony

10 Bender about your medical condition.

11 A Yes.

12 Q Do you recall what you told

13 Mr. Bender?

14 A No.

15 Q Do you recall when you spoke to him?

16 A No.

17 Q Do you recall what Mr. Bender said to  
18 you?

19 A Well, he would tell me about his back  
20 conditions. That's the only thing.

21 Q What were his back conditions?

22 A He said he had disk problems as well.

23 Q You testified you spoke to Jim Powers  
24 about your medical condition?

25 A Yes.

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1 LAWRENCE I. FRIEDMANN

2 Q Do you recall what you said to

3 Mr. Powers?

4 A No.

5 Q Do you recall when you spoke to him?

6 A No.

7 Q Do you recall what Mr. Powers said to

8 you?

9 A No.

10 Q Are there any documents that could  
11 help you refresh your recollection as to what you  
12 spoke to Miss Goldstein, Mr. Baines, Mr. Kasmi,  
13 Mr. Bender and Mr. Powers about?

14 A No.

15 MR. ANDREWS: Objection.

16 Q Are you currently working?

17 A Yes.

18 Q Where are you employed?

19 A Joseph A. Bank's Men's Clothiers.

20 Q What is your position?

21 A Sales associate.

22 Q What location do you work at?

23 A Garden City.

24 Q How long have you worked there?

25 A 34 weeks.

0117

1 LAWRENCE I. FRIEDMANN

2 Q So when did you start working there?

3 A Let's back up for 34 weeks. I had a  
4 job prior to that which I left in three months.

5 Q Why don't we start with after leaving  
6 Raymour & Flanigan on June 18 of 2011.

7 A All right.

8 Q When did you get your first job?

9 A I was on unemployment until -- I  
10 think I started with La-Z-Boy Galleries sometime  
11 in January, maybe the end of January.

12 Q Of 2012?

13 A Yes. I left them in three months to  
14 join Joseph A. Bank's.

15 Q So you were unemployed from  
16 approximately June 18, 2011 until January of 2012?

17 A Yes.

18 Q Did you collect unemployment during  
19 that time period?

20 A Yes.

21 Q For the full period?

22 A For the full period that I was  
23 unemployed, yes. Except for that two-week waiting  
24 period.

25 Q Do you know how much you collected in

0118

1 LAWRENCE I. FRIEDMANN

2 unemployment?

3 A I think the gross was 405 a week  
4 minus whatever deductions I told them to take out.

5 Q During that time period, did you look  
6 for work?

7 A Yes.

8 Q What did you do to look for work?

9 A I went out and got myself an Apple  
10 computer with my son's assistance. I updated my  
11 resum@, because my initial resum@ went back to the  
12 Civil War, and I understand that that's not the  
13 way to do things. So I spent time preparing a  
14 resum@.

15 I primarily looked aggressively to  
16 get into Bob's Discount Furniture, and I did try  
17 to contact the manager in the Garden City store.  
18 I did have an interview in the Farmingdale store,  
19 but for whatever reason, I was not hired by them.

20 Q With Bob's?

21 A Yes. Correct.

22 Q Did you apply anywhere else?

23 A I started to look at -- I didn't  
24 really apply to anything else. Then I went to  
25 La-Z-Boy after that. I tried to -- you know, I

0119

1 LAWRENCE I. FRIEDMANN

2 looked at different work, but I could see already  
3 that -- I was used to large companies, so beyond  
4 Bob's and Raymour & Flanigan, in the furniture  
5 field there really isn't much else.

6 Q Where did you look for employment?

7 A I tried with Macy's, but I didn't get  
8 in. I didn't apply. I went into the store with  
9 my resum@, and I didn't do anything online.  
10 Actually, then I -- I did call Joseph A. Bank's,  
11 because I was familiar with their product as a  
12 consumer, and I was told to apply online. And I  
13 kind of took that as a rejection, so I never did.

14 Bear in mind that for the past 20  
15 years I've been on two interviews, and life has  
16 changed since then. So I was a good customer of  
17 Joseph A. Bank's. I went in there to buy a tie,  
18 and I'm now employed there because I did apply  
19 online, and I'm there now for 34 weeks.

20 Q I'm going to ask again for production  
21 of the resum@ as well as documents relating to  
22 your search for employment after leaving Raymour &  
23 Flanigan.

24 A I also have a letter of  
25 recommendation from Anthony Baines.

0120

1 LAWRENCE I. FRIEDMANN

2 Q So in January you became employed by  
3 La-Z-Boy Furniture?

4 A Yes.

5 Q What was your position there?

6 A Sales associate.

7 Q Where was that?

8 A Carle Place. Right next to the  
9 Raymour & Flanigan store in Carle Place, on Glen  
10 Cove Road.

11 Q What was your compensation there?

12 A Not much.

13 Q What was it?

14 A Your draw was 400 a week, and the way  
15 they're set up commission-wise, it would take  
16 forever to get out of deficit with them. So the  
17 income was 400 a week. So I knew that I had to  
18 leave there, and I did.

19 Q I'm going to ask for the production  
20 of any payroll records you have from La-Z-Boy  
21 Furniture as well as any records from Joseph A.  
22 Bank's continuing.

23 Q So you voluntarily left La-Z-Boy?

24 A Yes.

25 Q Was there a gap in time before you



0121

1 LAWRENCE I. FRIEDMANN

2 started employment with Joseph A. Bank's?

3 A Less than a week, I think.

4 Q So you've been with Joseph A. Bank's  
5 since then?

6 A Yes.

7 Q What is your salary there?

8 A The salary is 340 a week plus  
9 commissions, plus overtime if you work overtime,  
10 which during the holiday season there was a lot of  
11 overtime. But the projected income potential at  
12 this point, because I do chart out on each pay  
13 stub, I project out in the course of a year is  
14 right around \$33,000.

15 Q Since leaving Raymour & Flanigan,  
16 have you collected any other form of income?

17 A I have Social Security, which I've  
18 been collecting since I reached 66 and eight  
19 months.

20 Q You collect a monthly benefit?

21 A From Social Security, yes.

22 Q How much is that?

23 A Well, the net is -- I think the gross  
24 now is about 24 or 25,000 a year. I have  
25 substantial taxes taken out of that, so my net

0122

1 LAWRENCE I. FRIEDMANN

2 check is 15 something.

3 Q 1,500 a month?

4 A Roughly 1,530, something like that.

5 Q Any other forms of income?

6 A I have a pension from Seaman's

7 furniture.

8 Q When did you start collecting that?

9 A I guess on my 65th birthday.

10 Q That's a monthly benefit?

11 A Yes.

12 Q How much do you collect from that?

13 A Well, the net is 1,179. The gross is

14 really 19,600 a year.

15 Q 1,179 a month?

16 A Yes. The gross is 19,600.

17 Q And that is the Local A10 affiliated

18 pension fund?

19 A Correct. Yes.

20 Q Any other sources of income?

21 A That's it.

22 MS. CHICLACOS: Can we take a  
23 break.

24 (At this time, a brief recess  
25 was taken.)

0123

1 LAWRENCE I. FRIEDMANN

2 CONTINUED EXAMINATION

3 BY MS. CHICLACOS:

4 Q Mr. Friedmann, in this lawsuit you  
5 allege that you were subject to age  
6 discrimination.

7 A Yes.

8 Q So you claim that you were subject to  
9 discrimination because of your age.

10 A I can explain how, if you like.

11 Q Please go ahead.

12 A Okay. Well, I was always teased by  
13 co-workers, old man, old man, because there is  
14 probably an eight year difference in my age versus  
15 anybody that's relatively close to me, so  
16 especially by some of the younger people.

17 But what happened in 2011, again with  
18 Lucy, the first thing she did was ask me when I  
19 planned to retire, and I said in about five years,  
20 because I deal with five-year plans. If my energy  
21 holds up, I add another five years.

22 Then she asked me my age, and I was  
23 evasive. She asked me, you know, a little while  
24 later my age again, and I told her. And from that  
25 point on, she would start to call me old man. So

0124

1 LAWRENCE I. FRIEDMANN

2 suddenly even though my energy in the store  
3 probably is higher than 75 percent of my  
4 co-workers, all of a sudden I felt that my age  
5 became an issue for some reason or another. It  
6 was discussed, you know. I never felt that way  
7 before, but I felt at that point that there's  
8 probably a reason why suddenly my age is being  
9 focused on.

10 Q So you testified that beginning in  
11 2011, Lucy started making comments about your age;  
12 correct?

13 A Correct.

14 Q Prior to 2011, had Miss Goldstein  
15 made any comments about your age?

16 A Yeah, but it wasn't really in a  
17 serious way.

18 Q What do you mean by that?

19 A She would still say old man or, you  
20 know, comments like that, which I didn't really  
21 pay attention to. It's only when it really  
22 started to intensify. And even some of my friends  
23 who would call me old man, I told them to cut it  
24 out because I sensed something.

25 Q So when did it start to intensify

0125

1 LAWRENCE I. FRIEDMANN

2 with Miss Goldstein?

3 A As it got closer to what happened.

4 It was the beginning of building a case, in my  
5 opinion.

6 Q When did it start?

7 A Early spring.

8 Q Of what year?

9 A Of 2011 was when it intensified.

10 Q You testified that Lucy asked you  
11 when you plan to retire.

12 A Right.

13 Q Tell me what you remember about that  
14 conversation.

15 A That was the question. We were  
16 standing by the podium out on the sales floor,  
17 right outside the sales office, and that's when  
18 she asked me my age. And I was evasive about  
19 that. And then she asked me when I planned to  
20 retire, and I said five years. That was the  
21 extent of the conversation.

22 Q Did she say anything in response?

23 A No.

24 Q Did she say that she thought you  
25 should retire?

0126

1 LAWRENCE I. FRIEDMANN

2 A No.

3 Q Did she bring up retirement again  
4 with you?

5 A No.

6 Q You said then at another point she  
7 asked your age, and you told her?

8 A Yes.

9 Q Do you recall when that was?

10 A Not really.

11 Q Was it after the conversation about  
12 planning to retire?

13 A Yes.

14 Q It was before your termination in  
15 June?

16 A Yes.

17 Q Was anyone else present for that  
18 conversation?

19 A Well, you would have -- even Iman  
20 would call me old man, or Anthony Baines would  
21 call me old man.

22 Q The conversation with Lucy where she  
23 asked you your age and you told her, was anyone  
24 else present for that conversation?

25 A Not that I'm aware of, but I've heard

0127

1 LAWRENCE I. FRIEDMANN

2 stories where she's referred to me as old man when  
3 I'm not even around.

4 Q You told her your age?

5 A I did.

6 Q You said that she called you old man?

7 A Right.

8 Q To you personally?

9 A To me personally.

10 Q When did she do that?

11 A I don't have dates.

12 Q What year?

13 A 2011.

14 Q What about 2010?

15 A She would say it, but it wasn't -- it  
16 was a different tone.

17 Q How was the tone different?

18 A It was just different. It wasn't --  
19 it was nothing that I became conscious of at that  
20 point. In 2011 I started to realize that my age  
21 might possibly be an issue for whatever reasons.

22 Q Why, if she had made those comments  
23 before?

24 A Because the tone changed, the purpose  
25 changed.

0128

1 LAWRENCE I. FRIEDMANN

2 Q Who was present when Miss Goldstein  
3 would call you old man?

4 A She did it right in the office, and  
5 people would laugh. I mean I don't have names.  
6 The whole office would laugh. Iman Kasmi would  
7 call me old man, and Anthony Baines called me old  
8 man.

9 Q When did Mr. Kasmi do that?

10 A I don't have a date for you.

11 Q Was it in 2011?

12 A 2011.

13 Q 2010?

14 A 2011.

15 Q Who was present?

16 A No one was present.

17 Q Mr. Baines, when did he refer to you  
18 as old man?

19 A He would do it frequently.

20 Q 2011?

21 A Yes.

22 Q 2010?

23 A I don't know how long he was there in  
24 2010.

25 Q Who was present when Mr. Baines would



0129

1 LAWRENCE I. FRIEDMANN

2 refer to you as old man?

3 A I really can't recall.

4 Q Do you recall any other comments

5 Miss Goldstein made about your age?

6 A No. That's enough.

7 Q Do you know how old Miss Goldstein

8 is?

9 A Yes.

10 Q How old is she?

11 A 62, 63.

12 Q Besides the three individuals that  
13 you just mentioned, did anyone else at Raymour &  
14 Flanigan make any comments about your age?

15 MR. ANDREWS: Objection.

16 A No.

17 Q You testified earlier about Laura  
18 from Carle Place --

19 A Yes.

20 Q -- making a comment that you  
21 attributed to your age.

22 A I attributed that to age. To me the  
23 comment was just out of left field.

24 Q The comment was she was not looking  
25 for anyone in her store who had a few bucks in the

0130

1 LAWRENCE I. FRIEDMANN

2 bank; is that correct?

3 A Exactly, word for word.

4 Q You met with Miss D'Ambrosio in June  
5 of 2011; is that correct?

6 MR. ANDREWS: Objection.

7 A No. It was earlier. It was before  
8 the coaching plan.

9 Q If you could take out the Complaint,  
10 Defendant's Exhibit 1, please.

11 A Is this it?

12 Q The Complaint is right there  
13 underneath. If you turn to page 7 of the  
14 document, paragraph 35.

15 A Okay.

16 Q It states that on May 18, 2011, you  
17 met with Laura at Carle Place.

18 A Okay.

19 Q Does that help you remember?

20 A I don't remember the date, if  
21 that's --

22 Q Do you have any documents regarding  
23 your meeting with Laura?

24 A No. I just went for an interview,  
25 and then Lucy told me that I did not get the job.

0131

1 LAWRENCE I. FRIEDMANN

2 Q Did you keep a calendar in 2011?

3 A No.

4 Q Did you use any sort of calendar on  
5 your phone or any other electronic device?

6 A No.

7 Q Did you use a paper calendar?

8 A No.

9 Q Did you keep a diary?

10 A No.

11 Q A journal?

12 A No.

13 Q A log?

14 A No.

15 Q You testified that Miss Goldstein  
16 said that you were not going to get the transfer;  
17 correct?

18 A Yes.

19 Q Do you know who made the decision not  
20 to transfer you?

21 A Laura.

22 Q How do you know that?

23 A According to Lucy, it was Laura. I  
24 really don't know who made the decision.

25 Q What did Miss Goldstein say?

0132

1 LAWRENCE I. FRIEDMANN

2 A That I'm not going to get -- I got  
3 turned down for the transfer.

4 Q Did she say that Laura made the  
5 decision?

6 A She said Laura made the decision, but  
7 I don't know who made the decision. It could have  
8 been Tony Bender.

9 Q Besides the comments that you just  
10 described --

11 A Right.

12 Q -- by Miss Goldstein, Mr. Kasmi and  
13 Mr. Baines, what else do you allege happened to  
14 you because of age discrimination?

15 A I got fired.

16 Q What facts or evidence do you have to  
17 support your claim --

18 MR. ANDREWS: Objection.

19 Q -- that the decision to terminate  
20 your employment was due to age?

21 Let me finish my question first.

22 MR. ANDREWS: I'm sorry.

23 Objection.

24 A It just happened too quickly.

25 Q What do you mean by that?

0133

1 LAWRENCE I. FRIEDMANN

2 A Just from the coaching until the  
3 final termination was a period of six weeks,  
4 without taking into accountability four high  
5 performance years plus the year of my disability  
6 that was extended for six or seven months. It was  
7 kind of insensitive to me.

8 Q Besides the timing, do you have any  
9 other facts or evidence to support your contention  
10 that the decision to terminate your employment was  
11 due to your age?

12 A That's enough for me to believe that.

13 Q Nothing else?

14 A No. Well, there were other people on  
15 that same plan who also were underperforming.  
16 Some had been underperforming for a couple of  
17 years. Now, I don't know the status of them at  
18 this point.

19 Q Let's go through that now then.

20 Who are these other people?

21 A There were seven or eight different  
22 people that were on a coaching plan.

23 Q What were their names?

24 A I believe Nardia Palmentair  
25 (phonetic) was -- I don't know how to spell her

0134

1 LAWRENCE I. FRIEDMANN

2 last name.

3 Q Nardia?

4 A Nardia. I believe Rafael was also  
5 one of them. I believe Rob Revel was another one.

6 Q Revel?

7 A I believe it's R-E-V-E-L. I think  
8 Karen Ali was part of it. There were seven or  
9 eight. The other names I can't really remember.

10 Q You've mentioned four. Is there a  
11 document that could help you refresh your  
12 recollection to the other names?

13 A Not -- I wouldn't have it. It would  
14 be this type of document with dates.

15 Q Nardia, what was her position?

16 A Sales associate. All of them were  
17 sales associates.

18 Q And all of them worked in the Garden  
19 City showroom?

20 A Correct. Yes.

21 Q What is the basis for your knowledge  
22 that Nardia was placed on a coaching plan?

23 A Well, because they all talked about  
24 it.

25 Q Did you ever see her coaching plan,

0135

1 LAWRENCE I. FRIEDMANN

2 the actual document?

3 A No. But I saw them sitting at this  
4 famous designing room table.

5 Q Were you present at any meeting with  
6 Nardia and Miss Goldstein?

7 A No. I wouldn't be.

8 Q Do you know what Nardia's sales  
9 figures were?

10 A No.

11 Q Do you know if in addition to a  
12 coaching plan Nardia was subject to any other  
13 discipline?

14 A I'm not aware of anything. I mean  
15 figures -- you have to understand that the figures  
16 for the entire store are hanging on the wall,  
17 because they want to create a competitive  
18 atmosphere. That's understandable. So you can  
19 see everybody's figures posted on a sheet.

20 Q What figures are posted on that  
21 sheet?

22 A Sales figures on a corkboard in the  
23 office.

24 Q Bimonthly?

25 A Biweekly, bimonthly. It's perpetual.

0136

1 LAWRENCE I. FRIEDMANN

2 Q Are they changed every week or every  
3 month?

4 A They're changed every week, updated,  
5 yes.

6 Q Do those list a sales associate's  
7 actual delivered sales?

8 A Yes.

9 Q For Rafael, what's the basis for your  
10 knowledge that he was placed on a coaching plan?

11 A Same thing. He mentioned it. I mean  
12 he mentioned it.

13 Q Did he mention it to you?

14 A Yeah.

15 Q What did he say?

16 A He said: I'm on a coaching plan.  
17 That's all.

18 Q When did he say that?

19 A About the same time that we all went  
20 on the coaching plan. It all happened  
21 simultaneously around the 7th of May, whatever the  
22 first date was.

23 Q Did you see his plan?

24 A No.

25 Q Did you see his sales figures?



0137

1 LAWRENCE I. FRIEDMANN

2 A No.

3 Q Were you present at any meetings with  
4 Rafael and management regarding his coaching plan?

5 A No.

6 Q Rob Revel?

7 A Yes.

8 Q What's the basis of your knowledge  
9 that he was placed on a coaching plan?

10 A Same. He told me he was.

11 Q Did you see his coaching plan?

12 A No.

13 Q Did you see his sales figures?

14 A No.

15 Q Were you present at any meetings with  
16 him and management regarding his placement on a  
17 coaching plan?

18 A No.

19 Q Karen Ali --

20 A Yes.

21 Q -- what's the basis for your  
22 knowledge that she was placed on a coaching plan?

23 A Just communication.

24 Q Did you see her coaching plan?

25 A No.

0138

1 LAWRENCE I. FRIEDMANN

2 Q Did you see her sales figures?

3 A No.

4 Q Were you present at any meetings with  
5 management where her coaching plan was discussed?

6 A No.

7 Q For Nardia, how was she -- is it your  
8 contention that those individuals were treated  
9 more favorably than you?

10 MR. ANDREWS: Objection.

11 A I can't answer that.

12 Q You say in your Complaint that out of  
13 the eight employees who were placed on a coaching  
14 plan, you were the only one who was terminated; is  
15 that correct?

16 A Yes.

17 Q In your Complaint --

18 A To my knowledge, yes.

19 Q In your Complaint you say eight,  
20 eight employees.

21 A Yes.

22 Q But you've identified only four  
23 today; correct?

24 A Well, I don't remember the other  
25 names.

0139

1 LAWRENCE I. FRIEDMANN

2 Q Do you know if Nardia is still  
3 employed by Raymour & Flanigan?

4 A I have no contact with Raymour at  
5 all.

6 Q Do you know if Rafael is still  
7 employed by Raymour & Flanigan?

8 A I have no contact.

9 Q Do you know if Rob is still employed  
10 by Raymour & Flanigan?

11 A I have no contact.

12 Q Do you know if Karen is still  
13 employed by Raymour & Flanigan?

14 A I have no contact.

15 Q Besides what you've already  
16 discussed, is there anything else that you claim  
17 happened to you because of age discrimination?

18 MR. ANDREWS: Objection.

19 A I don't know how to answer that. I  
20 just know I'm not there any longer.

21 Q Was Rafael Gonzales ever, to your  
22 knowledge, placed on a coaching plan?

23 A At the same time frame.

24 Q What's the basis of your knowledge  
25 for Rafael?

0140

1 LAWRENCE I. FRIEDMANN

2 A The same thing. Conversation.

3 Q Did you ever see his plan?

4 A No.

5 Q Did you know what his sales figures  
6 were?

7 A No.

8 Q Were you ever present at any meetings  
9 with management regarding him being placed on a  
10 coaching plan?

11 A No.

12 Q Do you know if Rafael is still  
13 employed by Raymour & Flanigan?

14 A I have no contact with Raymour.

15 Q Was there a sales associate named  
16 Maria Panya? (Phonetic)

17 A Yes.

18 Q Was she one of these individuals that  
19 was placed on a coaching plan?

20 A I believe she was.

21 Q What's the basis for your  
22 knowledge --

23 A I also believe she was the other  
24 person that interviewed for the Carle Place job,  
25 and I believe she got the job.

0141

1 LAWRENCE I. FRIEDMANN

2 Q -- with respect to her being placed  
3 on a coaching plan?

4 A Right.

5 Q What's the basis for your knowledge  
6 that she was placed on a coaching plan?

7 A Conversation.

8 Q Did you ever see her coaching plan?

9 A No.

10 Q Were you aware of what her sales  
11 were?

12 A No, other than on the -- you know,  
13 the posted sales figures.

14 Q Were you present at any meeting with  
15 management regarding her being placed on a  
16 coaching plan?

17 A No.

18 Q Is she still employed by Raymour &  
19 Flanigan?

20 A I don't know.

21 Q You said that she was transferred to  
22 Carle Place?

23 A Yes.

24 Q When was she transferred?

25 A I was still there when she got

0142

1 LAWRENCE I. FRIEDMANN

2 transferred.

3 Q Your Complaint says on May 18th you  
4 interviewed for the position. Do you recall if it  
5 was before or after that?

6 A That I -- she was transferred after  
7 that date.

8 Q Do you know if she requested a  
9 transfer?

10 A No. She didn't request a transfer,  
11 nor did I.

12 Q What's the basis for your knowledge  
13 that she didn't request a transfer?

14 A Conversation.

15 Q With who?

16 A With her.

17 Q What did she say to you?

18 A I mean we were both asked to  
19 interview for Carle Place.

20 Q Who asked Maria to interview?

21 A Lucy Goldstein.

22 Q Did you know why she was being asked  
23 to interview?

24 A No.

25 MR. ANDREWS: Off the record.

0143

1 LAWRENCE I. FRIEDMANN  
2 (Discussion held off the  
3 record.)

4 CONTINUED EXAMINATION

5 BY MS. CHICLACOS:

6 Q In your Complaint when you refer to  
7 these eight other individuals who were placed on a  
8 coaching plan, you claim that many other younger  
9 employees had been kept on the coaching plan for a  
10 number of years without being terminated.

11 Do you recall that?

12 A Yes.

13 Q What employees are you referring to  
14 that were kept on the coaching plan?

15 A I don't have names at this point, but  
16 the -- you know, the year ending sales figures  
17 that again are posted in the office would bear  
18 that out. I don't have figures from prior years.

19 Q Do you recall any of the names of the  
20 individuals who were kept on plans for a number of  
21 years?

22 A I believe Karen was on the coaching  
23 plan in prior years. Not on a coaching plan. I  
24 think her figures were under 750 in prior years.  
25 I think Maria's figures were under -- under 750

0144

1 LAWRENCE I. FRIEDMANN

2 more than once in a calendar year.

3 Q What's the basis of your knowledge  
4 for Karen's figures being under 750?

5 A Just the figures posted on the wall.

6 Q Did the figures on the wall list your  
7 year end?

8 A Yes. I mean in prior years it did,  
9 sure. Not in 2011, because I wasn't there, but in  
10 2010 or 9 or 8 or 7, year end figures were always  
11 posted on the wall on a weekly basis.

12 Q What's the basis for your knowledge  
13 that Karen had been on a plan for years?

14 A I could see it. Not on the coaching  
15 plan. I said her figures were under 750 more than  
16 once. That's all I said.

17 Q Do you know if she was placed on a  
18 coaching plan as a result of that?

19 A I don't know.

20 Q For Maria, her figures you say were  
21 under 750 as well?

22 A I believe so. In 2010, yes.

23 Q Do you know if she was placed on a  
24 coaching plan?

25 A I have no knowledge of that.



0145

1 LAWRENCE I. FRIEDMANN

2 Q You interviewed with Laura, and you  
3 claim that she said he was not looking for anyone  
4 who had a few bucks in the bank; correct?

5 A Right.

6 Q You testified earlier that during the  
7 month of May, Raymour & Flanigan ran its family  
8 and friends promotion?

9 A Yes.

10 Q Based on your Complaint, you  
11 interviewed with her on or about May 18, 2011?

12 A Yes.

13 Q So you were interviewing with her  
14 during the time this promotion plan was going on?

15 A Probably after it.

16 Q Did Laura discuss this promotion plan  
17 with you during your interview?

18 A No.

19 Q Did she discuss with you any ways  
20 that you could increase your sales volume?

21 A No.

22 Q Did Laura ever make any comments  
23 about your age?

24 MR. ANDREWS: Objection.

25 A Maybe a few bucks in the bank is

0146

1 LAWRENCE I. FRIEDMANN

2 referring to my age.

3 Q That's your belief; correct?

4 A Yes.

5 Q Did she ask you about your sales for  
6 the year?

7 A She was aware of my figures.

8 Q How do you know that she was aware?

9 A Everybody is aware of figures.

10 Q Did she discuss your sales with you?

11 A No. No.

12 Q In this lawsuit you allege that you  
13 were subject to disability discrimination; is that  
14 correct?

15 A Yes.

16 Q What do you allege happened to you  
17 because of disability discrimination?

18 MR. ANDREWS: Objection.

19 A I feel after four years of  
20 performing, that the six or seven-month period  
21 when my sales figures dipped down because of this  
22 sciatica issue, that that was not taken into  
23 account in my final termination.

24 Q Are you referring to the six or  
25 seven-month period in 2010?

0147

1 LAWRENCE I. FRIEDMANN

2 A Right.

3 Q The period that ended in September of  
4 2010?

5 A Yes.

6 Q When you received the coaching plan  
7 in May of 2011, did anyone discuss your 2010 sales  
8 figures with you?

9 A Well, yes. Lucy, when I brought up  
10 the sciatica incident again, she says: Oh, that  
11 sciatica thing again.

12 Q When did you bring up the sciatica  
13 with her?

14 A The prior year I did 792.

15 Q Prior, which year?

16 A 2009. That was my annual figure for  
17 the year. In 2010, not being able to function  
18 properly for six months, my figures dipped  
19 \$100,000, which considering the condition that I  
20 was in is really not -- and let's not forget the  
21 down economy, because everybody's figures were  
22 down. Even the top performers' figures were way  
23 off during the down economy in 2009, 2010.

24 Q During 2010 while you were dealing  
25 with your sciatica flare-up and your sales figures

0148

1 LAWRENCE I. FRIEDMANN

2 decreased, were you placed on a coaching plan?

3 A I don't believe so.

4 Q Were you placed on an action plan?

5 A No.

6 Q Were you disciplined in any way with  
7 respect to your sales figures?

8 A Well, they would discuss it with me,  
9 but I really was not put on a coaching plan.

10 Q Did you receive any discipline?

11 A No. I didn't receive discipline.

12 Q So the first time that you were  
13 disciplined was in May of 2011 when you were  
14 placed on a coaching plan; correct?

15 A Yes.

16 Q And by that time, your sciatica  
17 flare-up had subsided; correct?

18 A Subsided, yes.

19 Q So when Miss Goldstein discussed this  
20 coaching plan for you --

21 A Yes.

22 Q -- with you in May of 2011, why did  
23 you raise your sciatica?

24 A Because I knew that they were looking  
25 at the two years combined.

0149

1 LAWRENCE I. FRIEDMANN

2 Q Let me turn your attention to  
3 Defendant's Exhibit 9. Please take a look at that  
4 plan and tell me where it discusses your 2010  
5 numbers.

6 A It doesn't.

7 Q Let's take a look at the May 23rd  
8 follow-up, Exhibit 10. Does that discuss your  
9 2010 --

10 A No.

11 Q And then let's finally look at  
12 Defendant's Exhibit 11, the action plan. Does  
13 that discuss your 2010 numbers?

14 A No.

15 Q Were you having a flare-up with  
16 sciatica when you received the Coaching for  
17 Success plan in May?

18 A No.

19 Q In addition to what you described,  
20 what do you allege happened to you because of  
21 disability discrimination?

22 MR. ANDREWS: Objection.

23 A I really don't know how to answer  
24 that.

25 Q You claim that you were subject to

0150

1 LAWRENCE I. FRIEDMANN

2 discrimination because of your disability in your  
3 Complaint; correct?

4 A I believe that whether I was placed  
5 on a coaching plan or not in 2010, that it was  
6 still -- whether it's on paper or not, it was  
7 taken into account with the final decision.

8 Q So in 2010 when you were suffering  
9 from this flare-up, you testified earlier that you  
10 wanted to be able to sit down; correct?

11 A Yes.

12 Q Please explain how your ability to  
13 sit down should have affected your sales numbers.

14 A The showroom is 85,000 square feet.  
15 Now, if I'm with a customer and I have a flare-up,  
16 the only way to relieve it is to sit down. So  
17 once you lose track of a customer in that store,  
18 you could be wandering around forever, and each  
19 person is circling and circling. You don't see  
20 them again.

21 It had an effect on my overall  
22 volume. My ability to stay in earshot of my  
23 customer because of this disability affected my  
24 performance in 2010.

25 Q So you did sit down when you were

0151

1 LAWRENCE I. FRIEDMANN

2 having pain then?

3 A Briefly. If somebody saw me sitting  
4 down, they would tell me to get up.

5 Q Did you get up?

6 A Yes.

7 Q What could Raymour & Flanigan have  
8 done to assist you while you were having pain?

9 MR. ANDREWS: Objection.

10 A I really can't answer that.

11 Q In your Complaint you claim that  
12 Miss Goldstein allowed certain individuals to sit  
13 down without being reprimanded and without having  
14 to request a reasonable accommodation. Who were  
15 you referring to?

16 A Stacey Ross, who had an operation and  
17 was a close friend of hers.

18 Q A close friend of who?

19 A Lucy Goldstein.

20 Q What's the basis of your knowledge  
21 that they never requested an accommodation to sit  
22 down?

23 MR. ANDREWS: Objection.

24 A They never did. She would sit down  
25 in the front of the store.

0152

1 LAWRENCE I. FRIEDMANN

2 Q How do you know that she never, for  
3 example, went to Human Resources and requested an  
4 accommodation?

5 A I don't know.

6 Q Stacey Ross is a sales associate?

7 A Yes.

8 Q Did Raymour & Flanigan make any  
9 changes, to your knowledge, to Stacey Ross' sales  
10 figure requirements?

11 A I don't know how to answer that.

12 Q Anyone else that Miss Goldstein  
13 allowed to sit down without having to request a  
14 reasonable accommodation?

15 A I really don't know how to answer  
16 that.

17 Q Michelle Napoli, who is she?

18 A She also was a friend of Lucy's.

19 Q Is it your position that  
20 Miss Goldstein allowed her to sit down?

21 A With Stacey.

22 Q What's the basis of your knowledge  
23 that she didn't have to request a reasonable  
24 accommodation?

25 A Visibility of where they sat.



0153

1 LAWRENCE I. FRIEDMANN

2 Q Do you know if she ever went to Human  
3 Resources to request an accommodation?

4 A I have no knowledge of that.

5 Q In your Complaint, you claim that you  
6 were the only individual put on a performance plan  
7 because of disability along with one other man who  
8 used a cane. Who was that individual?

9 A Rafael.

10 Q Mr. Rafael Gonzales?

11 A Yes.

12 Q He used a cane temporarily?

13 MR. ANDREWS: Objection.

14 A He used a cane.

15 Q What's the basis for your knowledge  
16 that he was put on a performance improvement plan?

17 A That was the same time frame that I  
18 was put on.

19 Q You never saw his plan?

20 A I didn't see it.

21 Q Do you know if Mr. Gonzales ever  
22 requested any accommodations?

23 A I have no idea.

24 Q Is there anything else that you  
25 believe happened to you because of your

0154

1 LAWRENCE I. FRIEDMANN

2 disability?

3 MR. ANDREWS: Objection.

4 A I don't know how to answer that.

5 Q Can you point to any specific factual  
6 circumstances that occurred that you believe were  
7 the result of disability discrimination?

8 A I was fired.

9 MR. ANDREWS: Objection.

10 Q Besides being terminated.

11 A That was enough for me.

12 Q Did anyone at Raymour & Flanigan ever  
13 make any comments about your medical condition?

14 A Yes.

15 MR. ANDREWS: Objection.

16 Q What was that?

17 A Just silly jokes.

18 Q What kind of silly jokes?

19 A I really don't recall the specifics.

20 Q Who made the jokes?

21 A Many people.

22 Q Please, to the best of your  
23 recollection, tell me who.

24 A I don't recall.

25 Q Did you ever request that your sales

0155

1 LAWRENCE I. FRIEDMANN

2 quotas be adjusted?

3 A No.

4 Q When you were presented with the  
5 coaching plan in May, 2011, did you request that?

6 A No.

7 Q You also claim in this lawsuit that  
8 you were subject to retaliation in connection with  
9 your employment; is that correct?

10 A Retaliation?

11 Q Yes. Are you familiar with that  
12 term?

13 A No.

14 Q If you look at paragraph 31 of the  
15 Complaint, it should be right in front of you, it  
16 says that: Upon plaintiff complaining to his  
17 supervisors about age and disability  
18 discrimination, nothing changed. Moreover,  
19 plaintiff Friedmann was terminated because of his  
20 age and disability in retaliation for his  
21 complaints of discrimination.

22 Do you see that?

23 A Yes.

24 Q Reading that, does that help you  
25 understand what I'm asking about, that you were

0156

1 LAWRENCE I. FRIEDMANN

2 subject to retaliation in connection with a  
3 complaint that you made?

4 MR. ANDREWS: Objection.

5 A I don't know how to answer that.

6 Q Did you ever complain to anyone at  
7 Raymour & Flanigan about age discrimination?

8 MR. ANDREWS: Objection.

9 A I don't know how to answer it.

10 Q Did you ever discuss with anyone at  
11 Raymour & Flanigan your belief that you were being  
12 discriminated against because of your age?

13 A No.

14 Q Did you ever discuss with anyone at  
15 Raymour & Flanigan your belief that you were being  
16 discriminated against because of your disability?

17 A No.

18 Q So in the Complaint where it says  
19 that you complained to your supervisors about age  
20 and disability discrimination, what are you  
21 referring to there?

22 MR. ANDREWS: Objection.

23 A Being fired.

24 Q Anything else?

25 A That's it. That's enough. I was

0157

1 LAWRENCE I. FRIEDMANN

2 fired the day after my 70th birthday. I couldn't  
3 get into the computers. The decision was already  
4 made. I was off on the 17th, my birthday, and the  
5 decision was already made, because the computer  
6 for me was inactive when I came to work on the  
7 18th.

8 Q In your Complaint you allege to  
9 suffer emotional injuries.

10 A Yes.

11 Q When did those emotional injuries  
12 begin?

13 A Well, after I was fired. I mean I  
14 realized very quickly regardless of my attitude or  
15 confidence or whatever that I was going to be  
16 entering the job market at the ripe old age of 70,  
17 and that the whole concept of interviewing has  
18 changed completely. It's become impersonal. It's  
19 all computer generated.

20 It's no longer walking in and shaking  
21 hands and meeting someone face to face. You're  
22 already pre-judged at the age of 70. They didn't  
23 see me, they didn't know me, but they rejected me.

24 Q In connection with the mental  
25 injuries you claim to have suffered, what are your

0158

1 LAWRENCE I. FRIEDMANN

2 symptoms?

3 A Well, the day I was fired -- I mean  
4 just going to dinner with my former girlfriend,  
5 who was a very successful business woman, and  
6 telling her that I was no longer employed, I don't  
7 have to go into further detail. I mean then it  
8 started to sink in.

9 In the beginning you don't really  
10 believe it happened, and then going on two  
11 interviews in the past 20 years, one with Seaman's  
12 and one with Raymour & Flanigan, you really don't  
13 know what to do. I mean -- so I had to develop a  
14 resum@. I was used to, you know, putting  
15 everything in a resum@.

16 And I quickly understood from the  
17 unemployment office and other advisors that that's  
18 not the way you do a resum@ today. So it took  
19 me -- along with purchasing an Apple computer, I  
20 also, for an additional hundred dollars, took --  
21 that I could go into the Apple store and drive  
22 them crazy at my will and learn how to do things.

23 So it really was traumatic, because  
24 for the first time I really, you know, felt a  
25 little helpless. I mean I got, you know,

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1 LAWRENCE I. FRIEDMANN

2 encouragement from my boys. They really are both  
3 busy, and my daughter-in-law is busy too, so they  
4 didn't have time to spoon feed me and give me --  
5 you know, work with me on developing, you know, a  
6 resum@ and stuff. So I really had -- I understood  
7 that nothing was going to happen without a proper  
8 resum@, and nothing did happen, even with the  
9 resum@. My income has dipped down considerably.

10 Q With respect to the emotional  
11 distress, what were the symptoms of the distress?

12 A Sitting in my apartment doing  
13 nothing, just looking out the window until, you  
14 know, I knew I had to get started. It took time.  
15 It really took time.

16 Q Did you seek any medical treatment in  
17 connection with the emotional distress?

18 A No.

19 Q Did you take any medication in  
20 connection with the emotional distress?

21 A No.

22 Q Did you see a counselor?

23 A No.

24 Q A religious figure?

25 A No.

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1 LAWRENCE I. FRIEDMANN

2 Q Did you speak to anybody about it?

3 A My kids.

4 Q Besides your kids?

5 A That's it.

6 Q Are you still suffering from

7 emotional distress today?

8 A I've recovered. I've got a job. I

9 move on.

10 MR. ANDREWS: Could we take a

11 short break at the right time?

12 MS. CHICLACOS: Can we wait five

13 minutes, please?

14 MR. ANDREWS: Sure.

15 Q Have you engaged an expert to testify

16 about any of your emotional injuries?

17 A No.

18 Q Prior to your termination from

19 Raymour & Flanigan, had you ever sought medical

20 treatment for any type of mental illnesses?

21 A Never in my life.

22 Q Have you ever been diagnosed with a

23 mental illness?

24 A Never in my life.

25 Q Besides your termination, is there



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1 LAWRENCE I. FRIEDMANN

2 anything else that was done by Raymour & Flanigan  
3 that caused you emotional distress?

4 A That was enough.

5 Q Anything else?

6 A No.

7 Q In your Complaint you're seeking  
8 damages, monetary damages. What is your total  
9 amount of damages?

10 MR. ANDREWS: Objection.

11 A I defer to my attorney.

12 Q Well, you're the one answering the  
13 questions. So what are your economic damages?

14 A I haven't given that any thought.

15 Q You claim in your interrogatory  
16 responses that you've been emotionally damaged in  
17 the amount of \$250,000. Can you please explain  
18 that calculation to me?

19 MR. ANDREWS: Objection.

20 A No.

21 Q You can't explain it?

22 MR. ANDREWS: Objection.

23 A No.

24 Q Have you engaged any expert witnesses  
25 to testify about your damages?

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1 LAWRENCE I. FRIEDMANN

2 MR. ANDREWS: Objection.

3 A No.

4 Q You claim that you're seeking damages  
5 for past and future earnings. Can you provide the  
6 total amount of those damages?

7 MR. ANDREWS: Objection.

8 A No.

9 MS. CHICLACOS: Why don't we  
10 take the break now.

11 (At this time, a brief recess  
12 was taken.)

13 CONTINUED EXAMINATION

14 BY MS. CHICLACOS:

15 Q Do you have any documents reflecting  
16 your belief that you were discriminated against  
17 because of your age?

18 A No.

19 Q Do you have any documents reflecting  
20 your belief that you were discriminated against  
21 because of your disability?

22 MR. ANDREWS: Objection.

23 A No.

24 Q Do you have a Facebook account?

25 A No.

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1 LAWRENCE I. FRIEDMANN

2 Q Do you have a Twitter account?

3 A No.

4 Q Do you have a LinkedIn account?

5 A No.

6 Q Do you have any social media

7 accounts?

8 A No and I never will.

9 Q What could Raymour & Flanigan have  
10 done in 2011 to help you improve your sales goals?

11 MR. ANDREWS: Objection.

12 A I have to say it's what they didn't  
13 do, not what they could have done. I mean the  
14 coaching was just a facade. I was never coached.  
15 I was never assisted. This all transpired in the  
16 six-week period culminating in termination.

17 Q What in about 2010, what could they  
18 have done to help you improve your sales goals?

19 MR. ANDREWS: Objection.

20 A Ignore the decline in my figures  
21 because of, you know, my health issues.

22 Q Anything else?

23 A That in itself would be enough. I  
24 mean I had proven myself for the four years prior  
25 rather well.

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1 LAWRENCE I. FRIEDMANN

2 Q You testified earlier in 2011  
3 Miss Goldstein asked you when you were going to  
4 retire and what your age was; correct?

5 A Yes.

6 Q Did you have any conversations with  
7 her about your age prior to that?

8 A No.

9 Q If you had been permitted to sit down  
10 more in 2011, would that have helped you reach  
11 your sales goals?

12 MR. ANDREWS: Objection.

13 A No.

14 Q If you had been permitted to sit down  
15 more in 2010, would that have helped you reach  
16 your sales goals?

17 MR. ANDREWS: Objection.

18 A 2010?

19 Q Yes.

20 A That's when the six-month incident  
21 was. No. I mean it was just circumstances. I  
22 just could not as aggressively pursue customers  
23 because of limitations. I mean it's an 85,000  
24 square feet store. It's enormous.

25 Q So the only accommodation you were

0165

1 LAWRENCE I. FRIEDMANN

2 seeking was a forgiveness of sales figures?

3 MR. ANDREWS: Objection.

4 A I think it should have been taken  
5 into consideration. I do.

6 Q What should have been taken into  
7 consideration?

8 A The decline in my sales figures  
9 because of my physical limitations at that point.

10 Q Other than what we've discussed  
11 today, do you have any other facts or evidence of  
12 discrimination based on your disability?

13 A No.

14 MR. ANDREWS: Objection.

15 Q Other than what we've discussed  
16 today, do you have any other facts or evidence of  
17 discrimination based on your age?

18 MR. ANDREWS: Objection.

19 A No.

20 MS. CHICLACOS: Thank you very  
21 much for your time.

22 MR. ANDREWS: I have five  
23 minutes of cross for Mr. Friedmann.

24 EXAMINATION BY

25 MR. ANDREWS:

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1 LAWRENCE I. FRIEDMANN

2 Q Mr. Friedmann, I just wanted to ask  
3 you a few brief questions about a couple of the  
4 exhibits that you were asked about earlier today.

5 I want to direct your attention to  
6 what was introduced as Defendant's Exhibit 12.

7 A Yes.

8 Q Can you describe what that is?

9 A Well, it says Associate Handbook.

10 Q Do you recall if this is from the  
11 Associate Handbook that you received when you  
12 commenced employment at the company?

13 A I have no idea.

14 Q That's the only question I have about  
15 that document.

16 I wanted to just ask you a few  
17 questions about your last day with the company.

18 A Yes.

19 Q What time did your shift begin that  
20 day?

21 A Probably 9:30.

22 Q Did you arrive at or around that  
23 time?

24 A Yes.

25 Q What did you do upon arriving at the

0167

1 LAWRENCE I. FRIEDMANN

2 store?

3 A Well, you have a meeting in the  
4 morning, you know, in the sales office with the  
5 managers. That's basically what the purpose of  
6 the meeting is.

7 Q Do you recall attending such a  
8 meeting on the last day of your employment?

9 A Yeah. I was there, yeah.

10 Q After that meeting, what did you do  
11 next?

12 A Well, I went on the computer to try  
13 and, you know, look at business or shipments or  
14 whatever I needed to do at the time, and I  
15 couldn't get on the computer. So I kept trying.

16 And then eventually I asked one of  
17 the managers -- I told one of the managers, I  
18 can't get on the computer. So they told me to  
19 call IT.

20 And I called IT and I told them I  
21 can't get on the computer. I thought perhaps  
22 there was a problem with my password. I didn't  
23 think anything of it. And then they said they  
24 would get back to me. And I kept -- and they  
25 didn't get back to me, so I, you know, kept

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1 LAWRENCE I. FRIEDMANN

2 complaining that I can't get on the computer.

3 Then I broke for lunch. I was  
4 paying -- I was in the lunch room in the store. I  
5 was paged by Miss Goldstein to come to the office,  
6 and then I got a second page saying it's not  
7 necessary. And then when I came back from lunch,  
8 she asked me to sit down at this famous dining  
9 room table, and I was terminated.

10 Q You testified that shortly after that  
11 conversation you were brought into the office and  
12 met the regional manager?

13 A I was brought into the back office,  
14 which is really Jim Powers' office when he's in  
15 the store. Well, that was -- yes, at the meeting,  
16 because I kept questioning, you know,  
17 Miss Goldstein about what was going on. So she  
18 brought me into the back office, and we sat down.  
19 And he gave me his few pearls of wisdom and told  
20 me what a great guy I was, but my figures were not  
21 going to -- you know, they'll go up for a while,  
22 but you're not going to maintain your figures.  
23 That's exactly it. We shook hands and I went on  
24 my merry way.

25 Q When you say "he," you're referring



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1 LAWRENCE I. FRIEDMANN

2 to Mr. Powers?

3 A No. To Tony Bender. It was Tony  
4 Bender that was in the office.

5 Q I see. Would Tony Bender ordinarily  
6 be in the office on a day-to-day basis?

7 A No. He was the regional sales  
8 manager at the time. He would be in the store,  
9 but he probably was there in conjunction with, you  
10 know, my firing that day.

11 Q Do you believe that he was in the  
12 store because you were being terminated that day?

13 A I believe he would be there for that.

14 Q You testified that on your last day,  
15 one of the things Miss Goldstein said to you was  
16 enjoy your summer in the Hamptons. Do you recall  
17 that testimony?

18 A Yes. That wasn't out of kindness.  
19 If I interpreted it as kindness, I was being  
20 sarcastic.

21 MR. ANDREWS: I don't have any  
22 further questions.

23 (Time noted: 2:52 P.M.)

24 \* \* \* \* \*

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A C K N O W L E D G M E N T

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STATE OF NEW YORK )

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COUNTY OF \_\_\_\_\_ )

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LAWRENCE I. FRIEDMANN

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Subscribed and sworn to before me

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this            day of            2013.

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\_\_\_\_\_  
(NOTARY PUBLIC)

24

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I N D E X

3 WITNESS:

EXAMINATION BY:

PAGES:

4 Lawrence I. Friedmann

5 Ms. Chiclacos

4

6 Mr. Andrews

165

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8

E X H I B I T S

9 DEFENDANT'S:

DESCRIPTION:

PAGES:

10 1

Complaint

7

11 2

Plaintiff's Response to  
Defendant's First Set of  
Interrogatories

18

12

13 3

Plaintiff's First Supplemental  
Response to Defendant's First  
Set of Interrogatories

19

14

15 4

Application for Employment

26

16 5

Raymour & Flanigan New Hire  
Form

29

17

6

Raymour & Flanigan Furniture  
Performance Evaluation and  
Development Form

46

18

19

7

Raymour & Flanigan Furniture  
Performance Evaluation and  
Development Form dated 6/7/08

47

20

21

8

Raymour & Flanigan Furniture  
Performance Evaluation and  
Development Form dated August  
17, 2008

48

22

23

24 9

Raymour & Flanigan Coaching  
for Success document dated May  
7, 2011

52

25

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2

EXHIBITS CONTINUED

3

DEFENDANT'S:

DESCRIPTION:

PAGES:

4

10

Raymour & Flanigan Coaching  
for Success document dated May  
23, 2011

58

5

6

11

Raymour & Flanigan Coaching  
for Success document dated  
June 13, 2011

62

7

8

12

Raymour & Flanigan Furniture  
Associate Handbook

112

9

10

11

D O C U M E N T S R E Q U E S T E D

12

DESCRIPTION:

PAGES:

13

(1) Mr. Freidmann's resum@

15

14

(2) The verification page, if it  
exists, for Defendant's Exhibit 3

20

15

16

(3) Mr. Freidmann's resum@ as well as  
documents relating to his search  
for employment after leaving  
Raymour & Flanigan

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17

18

(4) Any payroll records from La-Z-Boy  
Furniture as well as any records  
from Joseph A. Bank's

120

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C E R T I F I C A T E

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I, Terri Fudens, a stenotype reporter  
and Notary Public within and for the State of New  
York, do hereby certify:

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That the witness whose testimony is  
hereinbefore set forth was duly sworn by me and  
that such testimony is a true record of the  
testimony given by such witness.

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I further certify that I am not related  
to any of the parties by blood or marriage, and  
that I am in no way interested in the outcome of  
this matter.

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Terri Fudens